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CALENDAR  
OF  
STATE PAPERS,  
COLONIAL SERIES,  
AMERICA AND WEST INDIES.  
JANUARY, 1719 to FEBRUARY, 1720.

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# PREFACE.

## § I.

### GENERAL.

The most important of the several events with which the papers in this volume are concerned are the war and peace with Spain ; the meeting in Paris of the Commissaries to settle the boundaries and claims of the English and French in America, left undecided by the Treaties of Utrecht ; and the revolt in South Carolina from the Government of the Lords Proprietors.

War with  
Spain.

The activities both of the French on the mainland and of the Spaniards on the high seas caused considerable perturbation in the Colonies throughout this period. The master of a Boston ship, captured off Cape Spartel, reported the presence of a powerful expeditionary force at Cadiz in March, 1719. Its destination was said to be either Great Britain or Jamaica (136). Already in January the Governor of Jamaica had reason to complain that the Spaniards were seizing Jamaican vessels in the West Indies and off the coast of Florida, and treating them and their crews "as in time of declared war," whilst factors of the South Sea Company reported that Spanish Governors had received orders to seize all British subjects and their effects (34, 34. i). In the Bahamas an attack by the Spaniards from Havana was momentarily expected (31, 31. i, 204).

After the declaration of war (167. ii), a Spanish expedition sailed from Havana, intending to attack Charleston and to join with the Spaniards and Indians at St. Augustine in an invasion of South Carolina. The Governor of Mexico had been ordered "to retake from the English and French in America all such places as ever did belong to the Crown of Spain," and was preparing a large force of men and ships at Vera Cruz and Pensacola in order to co-operate in the attack upon Carolina.

Just as the armadilla was leaving Havana, however, (June  $\frac{19}{30}$ ) the appearance of two French ships bringing Spanish prisoners from Pensacola revealed that the French had captured that important place. The Havana fleet was promptly diverted from Carolina in order to retake it. They succeeded in surprising the French, and after re-capturing Pensacola, prepared to attack them at Mobile (June 1719). This design was upset by the retaking of Pensacola by the French. Carolina and the Bahamas were thus temporarily relieved from apprehension of the assaults which the Spaniards had intended to deliver upon them (447, 447 i, ii, 525 ii, iii, 540 vi). Then came news from a prisoner at Havana that the French had abandoned Pensacola, and that the Spaniards were once more contemplating an expedition against Carolina and the Bahama Islands (Feb. 1720, No. 553). Colonel Spotswood, Lt. Governor of Virginia, urged that an attempt should be made to capture St. Augustine, in order to check both Spanish and French attempts upon Carolina, and also because its possession would enable the British to command the shipping of the Mississippi Colony in case of war with France (535). The Board of Trade recommended that the attempt should be made (474).

Peace  
declared.

An end was put to these alarms and excursions when Spain joined the Quadruple Alliance and peace was declared (539). When the advent of peace seemed imminent, both the Governor of Jamaica and the Agent of the Massachusetts Bay had taken the opportunity to urge the importance of securing the right of the British to cut logwood in the Bay of Campeachy and Honduras. The former also pressed for a recognition of the right to fish for turtle within sight of the Spanish Settlements in the West Indies, and the latter for that of raking salt at Tortuga (479, 540, 578).

Trade with  
Spanish  
West Indies.

War or no war, Spain forbade trade with her West Indian Colonies. War or no war, British traders insisted upon carrying on a commerce which was equally welcome to the Spanish colonists. Not only were British goods shipped to the Spanish settlements, but Spanish merchants were also eager to bring

their produce to the British Colonies. The advantages of such a trade were mutual and recognised. When a complaint was laid against the Governor of Barbados for permitting a Spanish vessel to trade there, the Agents of that Island frankly pleaded that it had "always been thought prudent to connive at a trade from Jamaica to the Spanish coast." What was good for Jamaica should be equally good for Barbados (543). The Solicitor General and Mr. West, the Legal Adviser of the Board of Trade, agreed that such trade was illegal (533, 537, 543). But the Board, in reporting the case, plainly recognised that it would be advantageous to permit it. Whilst representing that the Governor of Barbados had disobeyed his instructions and was guilty of a breach of the Acts of Trade and Navigation, in allowing a Spanish vessel to trade there, "either by express permission or connivance," they took occasion to submit "whether it would not tend to an increase of trade to permit Spanish vessels, under proper regulations, to import into the British Islands, such commodities of the growth of the Spanish West Indies, as do not interfere with the products of our own Plantations." Similar trade with the French and Spanish Islands, whose product of sugar, etc., competed directly with that of British planters, was regarded with disfavour. The need of explaining and enforcing the law on that subject was emphasised (575).

Policy of  
Westward  
Expansion.

The progress of the French on the Mississippi and their encroachments north and south, from Nova Scotia to Carolina, were the subjects of enquiries from the Board of Trade and reports by the several Governors (572 etc. v. § II, Nova Scotia). Colonel Spotswood, from Virginia, took the opportunity to press his policy of expansion westwards, recommending an advance along the coast of Florida, in order to check the Mississippi settlements of the French, and to secure a share of Indian trade and Indian allies (535). The reply of Sir William Keith, the Lt. Governor of Pennsylvania, was a contribution even more notable, both as an historical summary of the advance of the French along the St. Lawrence and Mississippi, and their success in winning over the Indians to their interest,

Lt. Gov.  
Keith on  
Indian  
Trade and  
Colonial  
Union.

and also on account of his insistence upon the constructive measures which he proposed to check them (61, 61. i). Keith pointed out that the French now claimed, under the Treaty of Utrecht, and by virtue of La Salle's discoveries, "all the lands to the northward and westward of the British Colonies from Canada along the Lakes to the mouth of the River Mississippi" (p. 32). He, like Spotswood, was aware of the importance of keeping open the door "for our further progress westward" (p. 36), and held that the only way to secure it was to compete with the French in developing trade with the Indians. In order to do so, he mentioned that Indian trade ought to be "established upon an equal foot throughout all these Colonies, as they are inhabited by British subjects carrying on one British interest without any distinction made or regard had to their particular settlements or societys as separate governments." Hitherto individual Colonies had entered into competition with one another to secure that trade for themselves. New York was jealous of Virginia, Virginia of Carolina. Keith envisaged "an Union amongst them" whereby they would impress the Indians and profit "according to their situation, power and ability to advance their trading settlements westwards upon the Lakes and adjacent rivers." Unscrupulous traders would be restrained, and all the Governors should be instructed to put the trade under similar and suitable restrictions, and to make treaties with the Indians applicable to all the Colonies alike. Four forts, upon Lakes Erie and Ontario and upon the Potomac and Susquehanna Rivers should be built to secure the Indian trade, and garrisoned by the King's troops, each Colony contributing its proportionable share of the expense. This scheme could only be carried into effect, the writer recognised, by the exercise of the Imperial authority. For "from the little knowledge and experience which I have of the American English Colonies, I do not expect that this project, howsoever just in itself, will generally please." The whole scheme was avowedly based upon the example of the French "in making their correspondence with the Indians a National concern," who having "but one interest principally in view, steadily pursue it with great application" (61. i).



Commis-  
sioners meet  
in Paris.

The Raids  
on Nevis  
and  
Montserrat.

Hudson  
Bay.

In July 1719, the Lords Commissioners of Trade and Plantations were informed that a member of their Board, Martin Bladen, and Daniel Pulteney had been appointed British Commissaries to settle at Paris the boundaries and other matters in America and the West Indies left undecided by the Treaties of Utrecht. The Board was directed to prepare instructions for them (310). Statements of their claims and cases were accordingly obtained from the Hudson's Bay Company, and from the Agents, etc., of the Leeward Islands in regard to the raids on Montserrat and Nevis (318, 321, 337, 338, 359b, 360, 396, 432, 438, 438. i). Under Article XI of the Treaty, the question of the fulfilment of the terms of the capitulation and subsequent agreement with Iberville by the inhabitants of Nevis and their representatives, and the case of the hostages given on that occasion were to be decided by the Commissaries of both nations. In answer to some preliminary enquiries by Mr. Pulteney on several points in that connection the Judge Advocate General, Sir Nathaniel Lloyd, gave his opinion largely in favour of the binding nature of the capitulation and agreements, but, as Iberville was alleged to have broken most of the conditions, admitted that "mutual conditions must be mutually performed, or the contract ceases" (225, 445, 451, 561). The whole case closely resembles that of the famous "Manila ransom" in 1762. In the instructions prepared by the Board of Trade the Commissaries were directed to take the line that the inhabitants of Nevis had punctually fulfilled the obligations laid upon them by the first capitulation, so far as it lay in their power to do so, and that as the French had broken both the first and the second agreement, which had been forced upon the inhabitants contrary to the usage of war and the import of the first, after they were in the power of the French, no further claim could justly be maintained. They were to insist upon the release of the remaining hostages, and also upon the payment of damages to Montserrat for the losses inflicted by the raid of 1712 (pp. 255, 256). Detailed instructions were also given as to boundaries of Hudson Bay to be settled under Article X. The fort and settlement at the head of Albany established by the French

Nova  
Scotia.

since the Peace must be demolished, and payment of damages made in accordance with the long standing claim of the Hudson's Bay Company, according to Article XVI of the Treaty. The boundaries of Nova Scotia were carefully argued and defined, and the right of the French to fish on the coast or the islands or Gut of Canso was negatived. Nothing was reserved to them by the Treaty "except Cape Breton and the islands lying within the mouth of the River of St. Lawrence or the Gulph of the same name." On this point the wording of the Treaty as it was signed in Latin was to be the guide. As the time allowed by the Treaty for the French inhabitants to exercise the option of removing their persons and effects from Nova Scotia had long since elapsed, they had now become British subjects. But since not only French missionaries but also the Governors of Quebec and Cape Breton had instigated them to refuse to take the oath of allegiance to the British Crown, and the Indians to set up a claim to the whole country, an order must be sought from the French Court, prohibiting such interference for the future. Restitution must be made of all ships and goods captured in time of peace, according to Articles XI and XVI, and fishing by the French upon any part of Newfoundland not permitted them by Article XIII must be forbidden by strict orders from the French Court. Lastly the Governor of Canada and Cape Breton must be required not to molest the Five Nations of Indians and to recall the missionaries who had settled among them. The Commissaries were particularly warned not to make any agreement which might prejudice British claims "on the back and westward of the British Plantations on the Continent of America," but to enter a caveat against French encroachments in that direction. The Commissaries were to act in concert with the Ambassador, Lord Stair (443. i).<sup>(1)</sup>

French and  
British  
claims to  
St. Vincent  
and  
Sta. Lucia.

Before these instructions were signed (Sept. 1719), by the Lords Justices, information had been sent to the Council of Trade that the French were preparing an expedition to attack

(1) *Cf.* British Diplomatic Instructions, L. G. Wickham Legg, II. pp. 196 ff. Camden Society Publications, xxxv.

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the negroes on St. Vincent, and to make a settlement on Sta. Lucia. The Maréchal d'Etrées, who was alleged to have received a grant of the latter island from the British Crown, in lieu of the part of St. Christophers taken from the French, was said to have sent materials for erecting a fort there and to have appointed a French Governor over Sta. Lucia (384. i, 422. i). This report was presently confirmed by Mr. Lillington who, on arriving from Barbados, informed the Council of Trade that the negroes on St. Vincent had hoisted the British flag and repulsed the French attack, whilst at Sta. Lucia a New York privateer had hauled down the French colours, nailed up the cannon in the fort, and carried away their ammunition (433, 439). The Board at once called the attention of the Lords Justices to this report, setting forth once again the title of Great Britain to both islands, and emphasising the importance of Sta. Lucia to Barbados, and the value of its harbour (404, 411). The British Ambassador at Paris was instructed to make enquiries into the matter (408). Mr. Bladen reported that the Abbé Dubois, when approached on the subject, denied all knowledge of it. The preparations at Martinique, he said, were intended against the Spaniards (417). Ten days later, however, the Prince Regent, in an interview with Lord Stair, openly avowed the fact, and quoted the Maréchal d'Etrées to the effect that the French had had constant possession of Sta. Lucia and an undoubted right to it by Treaty. "My Lord Stair and I," wrote Bladen, "were not able to guess what this treaty should be." But it was presently explained by Etrées as "some treaty or transaction in King Charles the Second's time. We insisted with great temper that H.M. right was notorious to all the world." The Maréchal seemed much embarrassed when challenged to produce the alleged treaty. His papers were not put in order, he said, but he promised to produce it in a few days. Bladen was left with the impression that he had obtained a grant from the Regent himself (429, 430, 432). The seizure of an island claimed by the British Crown, and its justification by a treaty of which nobody knew anything, at a time when the Peace Commissioners were sitting at Paris, were too much for

Agreement  
concerning  
Sta. Lucia.

Secretary Craggs. He wrote very hotly to Lord Stair, that he would gladly see the documents of which the Maréchal boasted. (441, 454). The question was argued in January at a Conference in Paris, at which Lord Stanhope and the Regent were present. Etrées made a lame attempt to justify his claim. Finally it was agreed that, until the title of one nation or the other was fully established, the recent French settlement should be withdrawn, but that the French families, about 50 in number, which had settled there before the grant made to the Maréchal d'Etrées, should in the meantime be permitted to remain (505, 506, 534. i).

Naval Stores  
and  
Bounties.

The Lords Commissioners of Trade continued to concern themselves with the production of naval stores in the Plantations, and invited Mr. Bridger, Surveyor General of the Woods in America, to send additional information as to supplies of timber fit for the Navy, and the raising of hemp, iron, and potash (66, 67). They supported his suggestion that a supply of hemp seed should be sent over to New Hampshire etc. (245, 274, 312, 391, 410). Proposals were submitted to the Board for the encouragement of the importation of Naval Stores from the Plantations (7), and statistics collected as to the amount of iron, timber, pitch, and tar imported thence, and the price of foreign tar compared with that from the Plantations (9-12, 44, 107, 108). On learning that the Government was being instigated by those interested in the East Country trade to withdraw the premium on colonial pitch, tar and turpentine, merchants concerned in the American trade represented that the monopoly in those articles would then inevitably revert to the Swedes, who would once more exact excessive prices. The premium had been completely successful in answering the intentions of Parliament. The Plantations had been encouraged to produce and send over great quantities of pitch and tar, and the price of those articles had been reduced to a quarter of what it was when the East Country enjoyed a monopoly of them. At the same time, the woollen trade and mercantile marine had benefited by the

increased trade and traffic with the Colonies (13, 105). Returns indicated that increasing quantities of Plantation pitch and tar were being purchased for the Navy (100, 101, 101. i). But it was recognised that if the retention of the bounty were to be justified, a high standard must be maintained for the pitch and tar sent over. A clause for regulating the standard of pitch and tar on which the premium was to be paid, was therefore inserted in the Act *for preventing the clandestine running of uncustomed goods* (23, 95, 99, 105, 170, 217). In transmitting copies of this Act to the several Governors, Mr. Popple explained that it was intended to place the manufacture of pitch and tar in the Plantations upon a sound footing. At the same time he sent them information as to the method of making tar practised in Russia, and of raising hemp (371). Whilst the suggestion was made that copper ore from New England should be admitted free of duty, a "great vein" having recently been discovered there (14. i), the introduction of a bill prohibiting all manufactures of iron in the Plantations filled New Englanders with consternation. "Had the Act passed," wrote the Lt. Governor of New Hampshire, "it would have so cramped the Plantations and New England in particular, that it would have been morally impossible for us to subsist" (312). Mr. Bridger's repeated reports of the waste of the woods by the inhabitants of New England, and of the popularity of Mr. Cooke's contention that the Crown had no right to them, led the Council of Trade to renew their representations on those points. Mr. Bridger had been superseded, at the instance, he says, of Mr. Dummer, the Agent for the Massachusetts Bay (270). His successor, Mr. Burniston, proposed to act by Deputy, and appointed a Collector of Customs to officiate in New Hampshire. It was in vain that the Council of Trade, backed by the Commissioners of the Navy, echoed Bridger's warning that an absentee Surveyor General, officiating through an officer whose time was already fully occupied, and who did not know an oak from a pine, must prove an inefficient guardian of the mast timber needed for the Royal Navy (48, 245, 252, 312, 391, 410, 410. i, 419, 424).

## Pirates.

The offer of pardon to pirates who should surrender was having little effect. It was reported from the Bahama Islands that no less than 2000 were still at sea. Supplied with ammunition and provisions by the traders of Rhode Island, New York, and Pennsylvania, they were hoping to retake Providence Island. Jamaica was infested by pirates and her trade fleets seriously endangered, in spite of the presence of the Naval Squadron. Naval Commanders were said to be more concerned with their own private gains in trading with the Spanish Settlements than guarding the trade and shipping of the Islands. Both the Governor of the Bahamas and the Governor of Jamaica insisted that the power of directing the operations of men of war on their stations should be restored to Governors (31, 31. i, p. 19). At Jamaica a valuable merchant ship was captured by a pirate within sight of Port Royal. In the absence of H.M. ships, two privateers were commissioned to attack the pirate, but found that they had caught a tartar (pp. 18, 19).

Inquiries  
by the  
Board of  
Trade.

At the Board of Trade the Earl of Westmorland succeeded to the Presidentship rendered vacant by the death of the Earl of Holderness (187, 498). Governors were directed to inform the Board whenever leave of absence was granted to Members of Council (217, 271, etc.), and a questionnaire was communicated to them, requiring information as to the trade and development of each Colony, and particulars of encroachments by the French, and the progress and administration of French Colonies. They were to procure good maps and evidence as to boundaries (217, 217. ii, iii, 271. i, 295. i, 354). They were also instructed to see to the appointment of agents to solicit the passing of private acts (217, 271). Mr. West, the

Prorogation  
of  
Assemblies.

Legal Adviser of the Board, gave his opinion that Assemblies under adjournment or prorogation could be prorogued without meeting according to the previous adjournment or prorogation (206). The resumption of Proprietary Governments to the Crown was again urged. Caleb Heathcote, from Rhode Island, laid an indictment against some laws and proceedings of the Charter Governments (317), and the Board of Trade, in reporting upon some acts of Pennsylvania, once more referred to the

Resumption  
of  
Proprietary  
Governments  
urged.

abuse of enacting temporary laws which had their full effect before they could be disallowed. "These," concluded their report to the Lords Justices, "are some of the ill effects of Proprietary Governments, and as we are of opinion the Plantations will never be upon a right foot till the dominion of all the Proprietary Governments shall be resumed to the Crown, so we cannot help proposing to your Excellencies that all fair opportunities should be laid hold on for that purpose" (p. 158).

The  
Office.

Application was made by the Board for permission to build two new rooms for their Office upon a piece of adjacent Crown land (542). Some plants and seeds were forwarded by the Lt. Governor of Virginia to Mr. Popple for his garden at Hampstead, with a promise of others to come (46, 83). King George received congratulations from Barbados, Bermuda, Jamaica and New England Quakers upon the failure of the attempts of his enemies at home and abroad (356 ii, 479. vi, 492. i).

## § II.

### THE AMERICAN COLONIES.

Revolt in  
South  
Carolina.

In South Carolina relations between the inhabitants and the Lords Proprietors were strained to breaking point. (v. C.S.P. 1717-18. pp. xxvii-xxx). The latter added to the list of acts recently repealed by them an act laying a duty on liquors and merchandise imported, which discriminated against British goods and shipping. The Colonists maintained that the Lords Proprietors had no right to abrogate laws passed by the Assembly and confirmed by their own Deputies on the Council (p. 335). The Lords Proprietors also recommended that if the country were in no real danger from the great number of negroes, the additional act for the better ordering of negroes, against which complaints had been submitted by the merchants, should be repealed. An Act, they suggested, might be substituted for it, providing, after the manner of the Deficiency Acts of Jamaica, that every planter should employ one white man for every negro (79).

The order of the previous year (C.S.P. 1718, No. 695), putting a stop to grants of lands in Carolina, was repeated (375), whilst

warrants were issued to the Surveyor General for setting out, on behalf of the Lords Proprietors themselves, fifteen baronies in the Yamassee lands adjacent to Port Royal. (April, 1719. *No.* 151). In June they nominated a new Council, and instructed Governor Johnson to suspend Colonel Rhett, unless he had given him satisfaction for the insulting behaviour of which he had complained (253, 254). In the following month they wrote again to the Governor bidding him summon the new Council to sit and despatch business forthwith, and reiterating their instruction to him to dissolve the Assembly, "chosen according to your pretended late Act," and to call another to be elected under the old Act which had been confirmed by them. They insisted upon their right of confirming or repealing acts, and informed the Governor and Council that they had repealed the act for laying an imposition on negroes, liquors, etc., the act ascertaining the manner of electing representatives, and an additional act relating to the payment of the Lords' rents and sale of their lands. They declared that they would never suffer the Assembly to dispose of their lands, and that the power to sue for arrears of rent, which the last act presumed to give them, had always legally been theirs, and they would exert it when they chose (330-332). They commended the Chief Justice, Nicholas Trott, for his defence of their right to repeal and confirm laws, and forwarded for his reply complaints which had been lodged against him "by the practitioners of the law in that Province." In the meanwhile they instructed him to withdraw from the Council when appeals from his judgments were being heard (309, 334).

The answer of the Colonists was prompt and decisive. It has been seen that in the previous year a petition for the resumption of the Province to the Crown had been signed by fully half of the inhabitants (C.S.P. 1717-18. pp. xxvii-xxx, *No.* 536. ii). The alternating neglect and interference of the Lords Proprietors, and their dictatorial tone, combined with their action in regard to the Yamassee lands in particular, drove the Carolinians to revolt against their rule, and to place themselves under the King's immediate Government. They pleaded their apprehensions of aggression by the Spaniards,



French, and Indians on their borders, and their incapacity to take measures for self-protection, "being deprived of the means thereof by the confused constitution of the Lords Proprietors' Government." When, therefore, the election of a new Assembly was about to be held in accordance with the Lords Proprietors' instructions, a meeting of the planters was held (Nov. 17th), who entered into an Association to choose representatives and support them in their resolutions in the next Assembly. There was a rush to sign the Association. A "new pretended Council and Assembly" was elected, met in convention, and unanimously renounced all obedience to the Lords Proprietors. It had been hinted that much the greater part of the most substantial people "would not choose King George's Government." But the new Council and Assembly asserted their steadfast loyalty to King George, and having first offered the Governorship to Johnson, who refused out of loyalty to the Lords Proprietors, then appointed Colonel Moore (493, 497, 497 i, 525 iii-v). Further details are lacking in this volume. But, in the following February, a petition was sent to the King, in which the causes of their discontent with the Lords Proprietors were fully set forth (541). The Chief Justice, Trott, was impeached in the Assembly (541). The Lords Proprietors had commended Governor Johnson for his spirited action against the pirates Bonnet and Morley (105, 106). But it was now made a charge against them that they had taken no action upon the complaint made to them by the Governor of Virginia that the Secretary and Chief Justice of North Carolina were accessories to piracy (*No.* 199; pp. 280, 340). The petition concluded with a prayer to H.M. "to take us under the wing of your Majesty's immediate Government" (541). Both Governor Johnson and the new Council and Assembly replied at length to the questionnaire of the Board of Trade (516, 531. i).

Spaniards  
and  
Indians at  
St.  
Augustine.

The prospect of invasion by a large expedition of Spaniards from Havana, Vera Cruz, and St. Augustine and Pensacola, referred to in §1, prompted an appeal for a regular garrison to defend the Province (447, 447 i, ii, 525 ii, iii, 540, 540 vi,

553). In response to a request (C.S.P. 1718, No. 787), for a ship of war to protect their trade against pirates, it was decided to send a frigate thither as soon as possible (141, 155). Prompted by some encouraging reports from some Creek Indians, Colonel Barnwell undertook a mission to St. Mary's near St. Augustine, in the hope of inducing the Muspaw King and the Yamassee Indians to desert the Spaniards and make peace with Carolina. The Spaniards, however, had just equipped him for an expedition which was on the point of setting out against the English. The Muspaw King, after a triumphal procession through the town with drums and trumpets, was found to be drunk and bellicose. Barnwell could only retire hastily and give the alarm (164, 164. i). Subsequently (September, 1719), Barnwell led a successful expedition of 50 Creek Indians against the Yamassees at St. Augustine, which he described, and hoped would lead to "the dawning of quietness to our poor Southern parts" (516. i). An account by him of the Indians in those parts is included in Governor Johnson's report (516).

Maryland. The Lt. Governor of Maryland was granted leave of absence, on condition that the President of the Council, upon whom the government would devolve, provided security for his observance of the Acts of Trade and Navigation (47, 62, 76, 86, 121). This security was to be taken by the Lieutenant Governor of Virginia (143).

Paper in Mass. Bay. Excessive issues of paper currency in the Massachusetts Bay were producing their inevitable effects. The balance of trade against the Colony continued to increase, whilst the value of the paper bills fell rapidly (1, 14 i, 217, 480).

Trade Reports by Cumings and Bridger. Mr. Cumings sent accounts of the imports and exports of the Province, of the value of the fishery, and of the wool clip (195, 485). A bounty on wool imported into Great Britain, would, he suggested, check woollen manufacture in New England. The forts, he reported, were all in ruin, except the Castle (195). Mr. Bridger, the Surveyor General of the Woods, whilst remarking upon the potentialities of New England in the directions of iron ore, potash and hemp (274), also reported an increase in

the woollen trade, and a tendency to encourage manufactures in the Colony to the exclusion of British goods. He called attention to the large imports of wool from Nantucket, Rhode Island, and the Narraganset country. He advised the prohibition of the importation of cotton wool from the West Indies (270), for it was used to mix with wool and flax, and would account for nearly half the woollens and linens manufactured by the New Englanders. Otherwise, they would soon be able to exist without Great Britain, and when their ability was equal to their inclination the "outlook would be serious." For "I cannot say here are any that have a dutiful regard to England" (270, 274). "These obstinate people" were so set upon manufacturing cloth and sawing up the King's woods, that they would neither plant hemp nor produce their own bread, beef, pork, or Indian corn. The Assembly, indeed, had just rejected a bill intended to improve agriculture (274). As for the timber, they would go on cutting the woods until there was not a tree left standing, unless a new Act of Parliament was passed on the lines he had proposed, or Dr. Cooke and his followers "were transported to some other place not to return" (274, 274 i).

The Woods  
in Maine.

Bridger decided to continue to act as Surveyor of Woods until his successor arrived, this being the only hope of saving the mast trees (161). The Council of Trade had instructed Governor Shute to support Bridger in the execution of his duties, and commended his dismissal of Dr. Cooke from the Council (217). But Cooke continued his campaign, denying the Crown rights to the woods in Maine and successfully attacking Bridger in his absence (274, 311, 311 i, 578 iii-ix). Cooke had obtained from the General Assembly the confirmation of an old grant in Maine made before Usher's purchase of that Province in 1677, and was offering the timber for sale (413). Cooke was one of half a dozen speculators who had bought up all the concessions obtained from the Indians "when a span of land was got for a gallon of rum." Bridger explains that a span of land was interpreted as extending to perhaps over twenty miles, the distance being measured on the horizon as

Indian  
Grants.

seen through an outstretched little finger and thumb (274). Maine was now being rapidly settled by Irish immigrants and others, who set up saw mills and cut down the trees (161).

Acts  
repealed.

The Council of Trade criticised several Acts passed in the Massachusetts Bay since 1715 (217 i). The Act of 1718 *laying a duty on imports and tonnage of shipping*, like similar acts in 1716 and 1717, had imposed a differential duty on British goods and shipping. It was repealed with a stiff warning by the Lords Justices that an act laying such duties was a breach of the conditions upon which the Charter was granted, and that it would be endangered by the repetition of such an act. The Governor was reprimanded for passing it and reminded of his duty to see that the Acts of Trade and Navigation were enforced and that no law was passed which might affect British trade and shipping, without a suspensory clause (160, 196, 197, 217 i, 274, 306, 306 i).

Governor  
Shute's  
report.

Mr. West reported unfavourably upon the Act *for regulating credit* as being very prejudicial to British creditors, who would be debarred by it from recovering debts, unless they repaired to New England to sue them within two years after their being contracted (214). As to the Act *in addition to the Act making lands and tenements liable for the payment of debts*, the Board recommended that a new act should be passed, not liable to the defects which had been pointed out in the original one (217 i). The Board reprimanded Governor Shute for not sending them the transcripts of Sessional Papers and returns required by his Instructions, and complained that many things relating to his Government were being published in the English newspapers of which he had failed to give them any account (163, 217, 480). Shute returned a full answer to the Board's enquiries relating to Massachusetts, and promised to reply to those relating to New Hampshire after visiting that province (217 ii, iii, 564 i).

The  
Admiralty  
Court.

The dispute over the jurisdiction of the Admiralty Court in the case of the captured effects of pirates and other matters remained acute. The Advocate of the Admiralty Court in

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New England complained that not only were the Judges of the provincial Courts challenging openly the jurisdiction of the Admiralty, but the Governor was interpreting his Instructions and Commission of Vice-Admiralty as constituting him the whole Court. The action of the Provincial Judges, he represented, arose from "the utter aversion the great part of the people in these parts entertain against all power not derived from themselves." The Governors' claims were hotly resented by Captain Smart of H.M.S. *Squirrel*, in the case of the prizes brought in by him from Canso. A quarrel ensued in which Smart fought a duel with the Governor's Secretary. He was arrested, fined, and ordered to give security for his good behaviour. The Lords Justices called for an explanation from Governor Shute (251, 251 i, ii), whilst the Admiralty requested that Governors' Instructions should be revised, and that they should be commanded not to interfere themselves with the proceedings of the Courts of Admiralty, or to allow the provincial Judges to do so (52, 52 i-vi, 96).

Indians and  
French  
Missionaries.

As Ralé, the Jesuit priest, was reported to be inciting the Kennebec Indians to attack the English, the Agent of the Province petitioned that the French Court should be invited to prohibit the residence of French Missionaries amongst the Indians within H.M. territories (578, 578 i, ii). On the refusal of the Governor of Canada to release the English prisoners still detained there, Governor Shute appealed to H.M. to enforce the provisions of the Treaty of Utrecht on this head (379).

Trial of  
Pirates.

The Solicitor General gave his opinion that Governor Shute and the other Commissioners had been justified in holding the Court and trying the pirates who had been hanged (Nov. 14, 1718). The point turned upon the interpretation of the Act of VI Queen Anne for continuing the Session of Parliament upon the demise of the Crown. If doubt were still entertained, he suggested the passing of an indemnity clause (88, 217).

New  
Hampshire.

From New Hampshire Mr. Vaughan entered his protest against his suspension from the Council by Governor Shute,

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and his subsequently being relieved of his Commission as Lieutenant Governor (260). His successor, John Wentworth, repudiated the accusation, which he attributed to Mr. Vaughan, that he had been trading in Naval Stores with Spain (313).

Acts left  
Pro-  
bationary.

The Council of Trade informed Governor Shute that they were allowing a large number of acts "to lie by as probationary" until experience should prove whether they were beneficial or the reverse. But they recommended that an act which appointed 14 men to a jury should be amended so as to bring it into agreement with the laws of England. Three other acts were repealed (308). Mr. Bridger was able to report that he had procured the passing of acts for the preservation of mast trees and the encouragement of hemp growing (245, 274; *and see* § I, Naval Stores).

New Jersey  
Act for  
support of  
Government

Governor Hunter, in announcing his departure from his Government, was able to report that the Assembly of New Jersey had renewed the Revenue Act for two years. But he could not "prevail upon their stingy nature to establish an Agent," an office he intended for Mr. Bampffield (226). He was a sick and weary man, in agony from the gout, with no hopes but in Aix, for which he had obtained his six months leave of absence (192, 203, 203 i, 286).

Division  
of the  
Jerseys.

Acts for defining the division lines of the Jerseys had been passed, and the Governor hoped to leave New Jersey and New York in "perfect peace and a good disposition" (203, 226, 286, 286 i). After Hunter's departure, Lewis Morris, as President of the Council, informed the Board that he had been obliged to issue a proclamation for compelling the Assessors to perform their duties under the Act for support of the Govern-

The Sinking  
Fund.

ment. The sum provided for the sinking fund for the paper currency having been miscalculated by the Assembly, he was afraid it would be necessary to summon them in order to make further provision for it. A stop was being put to the fixing of the boundary with New York, the Committee of the Council of the latter Province upholding their Surveyor's contention that they ought to delay proceedings until a more accurate

Boundary  
Commission.

instrument than a “small brass quadrant” was obtained for determining the latitude. Making use of this small instrument in foggy weather, it was averred, the New Jersey Commissioners had fixed the latitude at Fish Kill, “as if determined to acquire the low lands for the Jerseys.” Lewis Morris, on the other hand, suggested that several members of the Council of New York were interested parties, having taken up large tracts of land in New Jersey under grants from New York (440, 440 i, ii, 460, 460 i, 461, 461 i-v).

New York  
Revenue  
Act.

In New York the Assembly continued the Revenue Act for one year longer. They had determined to settle it for five years, but when they “smoked” Hunter’s design of going home, evidently decided to hold their hand until they knew something of his successor (192, 226).

Governor  
Hunter’s  
Departure.

When the time came for taking leave of the Assembly, his speech to them testified to the strength of his feeling for and interest in the country, whilst their Address in reply expressed the esteem and affection which he had won by his “just, mild and tender administration” (286, 286 i, ii).

Schuyler’s  
Adminis-  
tration.

Peter Schuyler was left in charge of the government as President of the Council. It was not long before Hunter was advised that he was taking steps to undo the measures by which he had secured the peace and contentment of the Province, by displacing the magistrates, and getting rid of the Assembly which Hunter described as “the most dutifull to the Sovereign and the most attentive to the true interests of the Colony that the Provincess could ever boast of.” At his request, Mr. Secretary Craggs wrote to the President forbidding him to make any changes in the magistracy, except in such cases as the Council might deem absolutely necessary, and on no account to presume to dissolve the Assembly or suffer it to be dissolved for lack of due prorogation (488, 489, 496).

Acts repealed  
and passed.

Whilst the Act reviving the Act *for the easier partition of lands in joint tenancy* was repealed in accordance with Mr. West’s report (257, 296), the Council of Trade reported favour-

ably upon that *for paying several debts*. They found the objection to it offered by the merchants but “slightly grounded,” and commended as just and prudent the action of the New York Legislature in endeavouring thus to extricate the Province from its financial difficulties. Experience was on their side, and appeared to indicate that the act would prove to be beneficial to the Colony. For, if the provisions of the act were observed, and the credit of the bills was thereby maintained, the trade of the Province, so far from being injured, as the merchants maintained, would be stimulated. This had indeed been the effect of the first issue of bills. For all that, it was desirable to prevent further issues of paper and the anticipation of funds. The Governor should therefore be commanded not to give his assent to any further emissions of bills of credit, but to transmit every six months accounts of the produce of funds appropriated for sinking them, and of the amount of the bills accordingly sunk (218).

Quit-rents. From the Treasury came enquiries as to H.M. Quit-rents, and the manoeuvres of the Assembly to take the Revenue out of the hands of H.M. Receiver General and administer it through officers appointed by themselves (282).

Acts  
Printing. The Acts of New York were now being printed (287).

Independent  
Companies. The miserable plight of the Independent Companies stationed at Albany and Fort George was once more the subject of memorials (440 iii-vii).

Nova  
Scotia. The instructions of the Commissaries at Paris concerning the boundaries of Nova Scotia are referred to in § 1. Early in 1719 Governor Philipps urged the Board of Trade to represent anew the necessity of having that question settled, and of a decision upon their report of the previous year. He also supported Lt. Governor Doucett's views as to the necessity of stopping French encroachments upon the trade and policy of the Province, and of sending presents to the Indians, as the best means of weaning them from the French interest (102,



102 i, 129, 129 i). The Council of Trade accordingly pressed for decision on these points, and the dispatch of a man of war to protect the trade and fishery (172).

Governor  
Philipps'  
Instructions.

They were then instructed to prepare Governor Philipps' Commission and Instructions (212, 220). These were passed at the end of June (266). The Council of Trade had already sketched out their views as to the settlement of Nova Scotia in their report upon the petition of Sir Alexander Cairnes and others for a grant of lands on the coast (219). In answer to their enquiries, they had received assurances from Mr. Bridger that there were many thousands of acres in the Province fit for growing hemp, and many pine trees fit for masts (66, 274). By the Instructions they now prepared, (255, 255 i, ii), the Governor was furnished with a copy of the recently revised Instructions of the Governor of Virginia, by which he was to be guided so far as they were applicable to the conditions of this new Province. His particular Instructions, as the Board of Trade explained, were directed to the problems of settling and peopling the country, and encouraging the fishery and the production of Naval Stores. He was to watch and report upon the proceedings of his French neighbours, and also upon the inhabitants and resources of his Province. In order to secure the friendship of the Indians, he was to take with him presents in the King's name, and also to encourage intermarriages with them. This had proved a source of strength to the French, and such marriages were to be endowed with gifts of money and land from the Crown. Settlers were to be encouraged by grants of land not exceeding 500 acres a head, at a quit rent of one shilling or 3 lb. of hemp per 50 acres, commencing three years after the date of the grant. Such grants were to become void unless the lands were cultivated within certain specified dates. No trees fit for masts for the Navy, and of the dimensions laid down by the Act of Parliament, were to be cut without licence from the Crown. But with the experience of New England in mind, a proviso was added that no grants of land at all were to be made until a survey of the country had first been completed and a tract of

land of not less than 200,000 acres had been marked off and reserved for the use of H.M. Navy. Within that tract no trees of any dimensions were to be cut by the inhabitants. In order to obviate so far as possible the delay which this provision would cause in the settlement of the country, the Board of Trade proposed that the Surveyor General of the Woods should be immediately despatched to Nova Scotia in order to mark out the tract of woodland reserved to the Crown. Regulations for the fishery were laid down, based on those of New England and Newfoundland. And as the Governor's Province included both Nova Scotia and Newfoundland, he was instructed to do all in his power to hasten the completion of the fortifications at Placentia, and, when that was done, to remove from thence to Annapolis Royal all the garrison with the exception of 50 men. Enquiry was to be made into the complaint of ill treatment lodged by the garrison at Annapolis (325, 326 ii), whilst inhabitants of Newfoundland were to be induced by the offer of lands to transfer themselves to Nova Scotia. For, it was declared, the settlement of H.M. subjects in Newfoundland had been found by experience to be prejudicial on many accounts to the trade of Great Britain—a reference presumably to the difficulty of preventing illegal trade in that direction—and it was deemed more for H.M. service and the interest of His Dominions to establish a strong colony in Nova Scotia. No laws were to be enacted until an Assembly should have been sanctioned by the Crown. As to the French inhabitants who had neither taken the oath of allegiance nor availed themselves of the alternative of retiring from the Province, they were to be given yet one more chance of swearing allegiance to Great Britain. A Proclamation was to be issued by the Governor, giving them the opportunity of doing so within four months of its publication (255, 255 i, ii, 414).

Philipps  
detained  
in Boston.

Philipps arrived in Boston in October, 1719, but after an unsuccessful effort to reach Annapolis Royal in November, he was forced to return to Boston for the winter (442, 504). From thence he reported that the French inhabitants persisted in clandestine trade with Cape Breton, whilst ships from Cape

The French  
in  
Nova Scotia. Breton continued to fish at Canso under their Governor's protection (442, 504, 504 i). Priests and Jesuits settled in Nova Scotia, and presiding like Governors at Minis and Chignecto, were preaching invectives against the English, inciting the Indians and persuading the French inhabitants to refuse to swear allegiance or leave the country. In order to impress them, Philipps proposed to transfer troops from Placentia forthwith (504). The claim of the French to the right to fish and settle in the Gulph of Canso, fortified by the device of renaming it, was, together with the question of boundaries, to be debated by the Commissaries at Paris (129, 129 i, 137 i, v, 236, 443 i; and see § I). Their encroachments on the fishery at Canso had led to the seizure of two French ships by Capt. Smart, H.M.S. *Squirrel*, after a profitless interview with the Governor of Cape Breton (1). M. de Brouillan retaliated by seizing two New England fishing vessels at Canso by way of reprisal (129 i (b), 137 i-iii, vi, vii, 211, 213 i-viii). From Paris the Abbé Dubois demanded prompt reparation for the seizures by the *Squirrel*, without waiting for the meeting of the Boundary Commission (208 i-iv). A map was produced in support of the claim of the French to the "Isle of Canso" (208 iii, 236), under the Treaty of Utrecht. The claim for reparation was referred to the Board of Trade, with a plain hint from the Lords Justices that it was undesirable at that juncture that anything should be done to disturb the harmonious relations of the two countries (208). The Board showed in its report that it was not inclined either to blame the Governor and Council of the Massachusetts Bay for the "very laudable zeal for H.M. service," which they had displayed in sending Captain Smart to Cape Breton and Canso, or to admit the title of the French to the place where the seizure was made, or to fish upon that coast. If ample satisfaction were first made to H.M. subjects for reprisals made by the French, they offered no objection to the restitution of his vessels and effects to the French owner. But such restitution should be made as a pure act of grace and favour, and great care should be taken not in any way to prejudice the British title to the lands and fishery in question (221). The Lords

Seizures and  
reprisals  
at Canso.

Grants of  
Lands.

Justices approved this Representation, and Governor Shute was instructed to proceed accordingly (246, 248). Governor Philipps represented that delay by the Surveyor in marking out the King's reserve of woods was stopping the settlement of the country, and, according to his Instructions, the granting of lands. The situation was being complicated by claims under old patents and concessions from Indians, especially in the territory between New England and Nova Scotia (504, 519 i, ii). Meanwhile Colonel Vetch and others who had shared in the capture of Port Royal, were petitioning for grants of land in accordance with the preference promised to those who had taken part in that expedition (322 i).

Pennsylvania  
Lt. Governor  
Keith's  
Commission.

On the death of William Penn, differences arose as to the interpretation of his will and the succession to the Proprietorship of Pennsylvania. Spriggett Penn, claiming the power of Government, sent over a Commission to William Keith continuing him in the post of Lt. Governor, whilst a suit was being commenced in Chancery to decide between the claims of his father's executrix and himself. As this Commission had not received the necessary approbation of the Crown, and its publication was likely to cause heated division of opinion in the Colony, Keith decided not to act upon it, but to continue to administer the Government under the Act of 1712 for securing the administration of the Government in the event of the Proprietor's death. In this decision he was supported by the Council (285, 285 i-iv). The Board of Trade commended his action, laying particular stress upon the point that Governors appointed by Proprietors must be approved by the Crown. Upon their suggestion, Keith was ordered to continue to act under his old Commission until the Proprietor and the Trustees had settled their differences (319, 344). In the meantime, they proposed that the bargain with William Penn for the surrender of the Government of Pennsylvania should be completed. For every opportunity, they urged, should be seized for resuming the dominion of the Proprietary Colonies for the Crown (319). They had drawn a similar conclusion when reporting upon a bundle of acts dating from 1712, which had

Report by  
Council  
of Trade.

lately been submitted for the assent of the Crown (297). Mr. West had given his opinion that there was nothing in the Charter to prevent the re-enactment of the substance of acts which had been repealed (119, 128), and the Board once more drew attention to the unreasonable provision by which the Proprietor was allowed five years in which to lay his laws before the Crown, and the Crown but six months to consider them, however many laws were then submitted (297). Moreover, the frequent re-enactment of temporary laws expiring before disallowance could take effect, and the re-enactment of laws that had been repealed amounted to an evasion of the Royal Prerogative of repeal.

Acts  
repealed  
and passed.

Several acts were now repealed in accordance with this representation and others allowed to stand (279, 320).

Five acts had been passed in Pennsylvania in 1715, in continuation of the prolonged dispute over the regulation of the the Judiciary, and following on the disallowance of a series of Acts in 1714. They established Courts of Quarter Sessions; of Common Pleas; the Provincial Court; and the practice of the Courts of Judicature; and lastly, the regulation of appeals to Great Britain. With the exception of the last, all were disallowed in 1719, though provision had now been made for a Supreme Court sitting at Philadelphia and having original jurisdiction, modelled on the Common Law Courts at Westminster.

The idea underlying the former acts on this subject had been to exalt the County Courts at the expense of the Provincial, in order that litigants might be saved time and expense in attending Court at Philadelphia. The policy of the Assembly in preparing these Acts had been opposed by the Lieutenant Governor and Council as champions of the Proprietor, partly on the grounds that they tended to depart from English precedents; partly because they infringed the Proprietor's rights in the matter of fines and fees, appointment of clergy, and granting of public house licences, and establishing Courts

(C.S.P. 1718. No. 508); partly because the provisions concerning imprisonment for debt were held to prejudice the rights of creditors; and partly because the Assembly demanded that Judges should be removable on charges presented by it, instead of at the discretion of the Governor. Furthermore, in practice, the Act of 1701, establishing the judicial system on a basis which rendered the Provincial Court merely supplementary to the local Courts, had been found undesirable in practice. There was a shortage of trained lawyers capable of filling the many places on the bench in the County Courts(i). But the chief objection, from an Imperial point of view, was that this judicial system was not in harmony with that of the rest of the Empire. The acts too were badly drawn. Objectionable looseness of phraseology, and a tendency to multiply law-suits, were the chief reasons stated by the Council of Trade for rejecting the Acts of 1701, 1711, and now again of 1715. Professor Osgood considered these reasons so frivolous, in the present case, that he thought the Board's aim was "so to perplex this Proprietary Province in its judicial business as to force a surrender of its Charter"(ii).

The Act *for the advancement of Justice* had previously been confirmed on the grounds that, though by it greater indulgence was conceded to the Quakers than was allowed in England, the preponderance of Quakers in Pennsylvania made it advisable (174, 202). A private act was, on petition, offered for repeal as unjust (406, 407, 455, 458, 465, 482). In forwarding a return of wine imported from Madeira and the Azores, Lt. Governor Keith remarked upon the impossibility of preventing smuggling, where two Colonies were divided by a river (18).

Rhode  
Island.

A request by the Board of Trade for returns by Collectors of Customs in the Proprietary Governments of laws passed there

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(i) Pa. Votes. I. p. 93, ff; and Col. Rec. II. 257 ff.

(ii) Osgood, *American Colonies in the XVIIIth Century*, II. p. 276.

prejudicial to Great Britain, elicited a lively reply from Caleb Heathcote as to the iniquities of Rhode Island (272, 377). Large issues of bills had been made, but not applied to the purpose of fortifying the harbour for which they had been appropriated. The result was that Customs Officers who seized vessels for illegal trade were liable to find themselves carried off to sea without protection from the fort. An act had been passed reducing these officers' fees, and no notice was taken of threats from the Commissioners of Customs. The King's officers, in attempting to prevent illegal trade, were looked upon as enemies to the growth and prosperity of the Proprietary Governments, and they performed their duties at the risk of their lives. A riot had recently occurred at Newport over the seizure of some hogsheads of claret by the Collector. It was followed by a malicious prosecution of the Collector for taking excessive fees, and his re-arrest on the same charge after he had been acquitted (377).

Virginia  
prosperous.

Lt. Governor  
Spotswood,  
the  
Councillors  
and  
Col. Byrd.

In forwarding the public accounts of Virginia, Spotswood was able to point to such a surplus as might be thought to answer the charge of grievous oppression which some of its representatives were eager to advance (199, 199 i-vi). He claimed some credit for the prosperity of a country which he had found in a state of poverty and debt. Spotswood complained that his letters were being intercepted and opened, and hinted that Mr. Byrd was at the bottom of it, as he and the eight Councillors who opposed him were the originators of all the complaints against him. If some of them were not removed, Governors in future would have no choice but to be "thorough Creolians," under the thumb of this family party. They had stolen a march upon him by producing their Address, just before the last ship of the year set sail (46). His reply to it was thus delayed until the following March, when he answered in detail the charges brought against him, and repeated his own charges against the Councillors (133, 133 i-vi). At the same time Mr. Byrd was offering his services as mediator between Spotswood and the Councillors, by proposing that the Board should censure the Governor (130). Spotswood

replied at length and with considerable heat to Byrd's "impertinent memorials," and also to his "angry neighbours" in North Carolina who resented his interference in the matter of the pirates protected by them (357). The Council of Trade assured Spotswood of their support, if deserved, and proposed that Byrd should be superseded on the Council, as being an absentee (144, 271). They commended both the punctuality of Spotswood's correspondence, and his action regarding the Council's salary and the act for regulating fees. They pronounced their agreement with Mr. West's opinion as to the proroguing of Assemblies under adjournment (*v. §. I.*), and expressed their surprise at the attempt of the Assembly to re-enact the act *declaring who should not bear office*, which had been repealed. They concluded with the usual questionnaire (92, 271, 271 i). Both the Solicitor General and Mr. West gave their opinion that the King's right of collating to vacant benefices remained unaffected by the act in dispute (92, 273, *v. C.S.P., 1718*).

Report on  
Address of  
Assembly.

As to the Address of the Assembly (Nov. 1718), the Board of Trade reported adversely both upon its contents and the manner of its presentation. They represented that the transmission of addresses to the Crown through other channels than the Governor, except in cases of complaint or refusal, had been discountenanced by an Order in Council in 1702. In this case the Burgesses had made no application to the Governor to transmit their Address, nor did it contain any personal complaint against himself. Moreover, although there was already an Agent for the Province in England, the House of Burgesses had appointed an Agent of their own—Mr. Byrd—to present it to the King, and voted his remuneration without a law for that purpose or the concurrence of the Governor and Council. As to the contents, that part of the Address which supported the claim of the Councillors to be sole judges in the Courts of Oyer and Terminer, was concerned with a matter which had already been settled. For the rest, they expressed their surprise at the request for the revocation of the Instruction to Governors as to Acts affecting British



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Trade and Navigation, “for it can never be supposed that the Plantations had or could have the power of making any laws which might be prejudicial to the trade and navigation of this Kingdom, for whose benefit and advantage the Plantations were first settled, and have been and still are maintained and protected at a vast expense from this kingdom” (146).

Western  
Expansion.

Spotswood seized the occasion of enquiries as to the danger to be apprehended from the French and Spanish settlements, to press his views as an ardent pioneer of western expansion (535, § 1).

The Five  
Nations.

In letters to the Board of Trade and to President Schuyler, Spotswood expressed his exasperation at the attitude of the New York Commissioners for Indian Affairs in countenancing the refusal of the Five Nations to treat with any of H.M. Governors except at Albany. He complained of incursions by them on the northern frontier of Virginia, and that they had been encouraged by Schuyler to think themselves ill-treated by the southern Governments (357, 535, 535 i).

### § III.

#### THE WEST INDIES.

The  
Bahamas.

Captain Woodes Rogers had a difficult time of it in the Bahama Islands. Information as to preparations by the Spaniards to seize Providence Isle was confirmed from various quarters, whilst the danger of the return of the pirates—Vane, Teach, and the rest—still remained (28, 31, 31 i, 33, 41, 41 i, 84, 84 i, 204). The inhabitants were poor, lazy and hand in glove with the pirates. Settlers who had been preparing to migrate from the Virgin Islands, Carolina and Bermuda were deterred by dread of the Spanish raid (28, 33). Left without aid from Governors of the neighbouring Colonies to whom he had appealed, or from the men of war who contented themselves with wishing him a merry Christmas in passing, Rogers was confronted by a conspiracy amongst the inhabitants and the soldiers, and French and Palatine immigrants he had

Danger  
from  
Pirates and  
Spaniards.

brought with him, to seize the Governor and hand over the fort to the pirates. Provisions were scarce, and the garrison was weak, and Rogers found himself obliged to draw bills on the Company for its subsistence, which he hoped Parliament would help to meet (28, 33, 84, 84 i, 204, 204 iii, 205, 209, 472, 473, 523, 525 i). Finding himself between the devil and the deep sea, with the danger of the Spaniards on the one hand and the pirates on the other, he had to consider whether, if the pirates came first, it might not be best to receive them and enlist their aid to defend the Islands against the Spaniards. Otherwise most of those he had with him—he describes them later in a lively passage (209)—would either join the pirates or leave him “and then they’ll possess the place, maugre all I can propose to do against them” (33). He had fitted out a sloop to cruise against the pirates, but it was no match for them (33). The Council of Trade supported his demand for a second Independent Company and the despatch of a guardship with ordnance and stores of war (4, 5, 31, 31 i, 42, 204, 209, 474, 523, 525 i, ii). The attack by the Spaniards was delayed by the loss of some of their ships and the tidings of the Declaration of War. But in May, 1719, Rogers was informed of new preparations for an immediate expedition from Havana (204, 205, 205 iii). He had, however, in the mean time put Nassau into some state of defence. In spite of the difficulties he describes (84, 84 i, 204, 205, 209), he thought that if he could have two more Independent Companies he would be able to defy any force the Spaniards could bring against him (205, 209). At length in July, 1719, he was promised support by the Secretary of State, and informed that his proceedings were approved by the Lords Justices (314). He began to apply for leave to call an Assembly. But as to the Councillors he proposed, he was warned by Mr. Popple, that, if they were appointed, they would have to pay fees for their warrants amounting to £9 15s. a head. Rogers doubted whether they would pay them, for “but few of them I found here has any notion of honour further then proffit” (204, 209). At the beginning of the next year, the Governor and Council in a memorial to the Board of Trade enumerated their

Rogers’  
proceedings  
approved.

Demand for  
Assembly.

difficulties and requirements, but were able to report that the French diversions in Mexico had relieved them from the danger of the Spaniards. An Assembly was needed both to pass measures for encouraging settlers and also to raise the necessary funds for carrying on the Government (523).

The  
Co-partners.

A report upon the state of the Islands, probably by Mr. Gale, suggested the desirability of the Crown buying out the Co-partners both for their own sakes and for the sake of the prosperity of the settlement (525 i, ii). The Co-partners themselves were feeling the pinch, and before the end of 1719 were petitioning to be reimbursed for the large expenditure in which they had been involved by a series of unforeseen events, including the war with Spain (472, 473). The Board of Trade supported their application (474). Shortly afterwards the Co-partners replied to the criticisms contained in Mr. Gale's report (525 i), but concluded by agreeing that the Bahamas were of too great importance to be left with a slender garrison in the hands of Proprietors. They were willing to surrender their lease and title to the Crown, if they might be reimbursed their expenditure, and thus save the Islands from falling a prey to the Spaniards, French or pirates (545).

Offer to  
Surrender  
lease.

Barbados.  
Complaints  
against  
Governor  
Lowther.

Robert Lowther, Governor of Barbados, replied heatedly and at length to the several charges brought against him by Mr. Gordon, Mr. Lansa, and the Society for the Propagation of the Gospel in Foreign Parts (356, 356 i–lix, 436 i, ii, 459, 513 i–iv, 543, 543 i, 550, 551, 557, 558, 562). Part of the evidence he adduces exhibits the Rev. William Gordon and the clergy of Barbados in an extraordinary light, which is rather intensified by Mr. Gordon's complacent defence that "it is a real enconium that so little has been found to find fault with" (p. 200).

Report of  
the Board  
of Trade.

The Board of Trade, in their report, found the Governor plainly guilty of a breach of his Instructions and the Acts of Trade and Navigation, in conniving at trade with the Spanish Settlements (cf. § I). He had also acted contrary to his

Instructions in accepting presents on an almost Verrine scale from the Council and Assembly (513 iv, 524, 533, 537, 543, 547, 575). His recall was clearly indicated.

The  
Ecclesiastical  
Court.

Whilst petitions against the jurisdiction of the Ecclesiastical Court were forwarded from Barbados, the Agents refused to prosecute the complaints against Mr. Gordon, who thereupon petitioned for a determination of the case (80, 112, 112 i, 356 i, ii, iv, v), and the Bishop of London protested against the report of the Board of Trade on that subject as unfair (125).

Bermuda.  
Surrender  
of Pirates.

From Bermuda, Lt. Governor Bennet reported the surrender of some pirates on condition of being allowed to retain their plunder (227). For himself, he repudiated the suggestion of his "invective enemies" that he was feathering his nest and was anxious to retire with his ill-gotten gains (491). He forwarded an Address in praise of his administration and expressing loyalty to the King (492 i), and reported an attempt to blow up the magazine, attributed to some privateersman who had been disappointed of a prize (492).

Present-  
ments of the  
Grand Jury.

Among the presentments of the Grand Jury was a request for an enquiry into the misapplication of donations for public schools (356 ii, *d*, *f*, xxvi).

Report  
upon Acts.

In reporting upon a batch of 18 Acts, Mr. West took exception to four private ones, for reasons given (347).

Sta. Lucia  
and  
St. Vincent.

Proceedings regarding Sta. Lucia and St. Vincent are described in § I.

Jamaica.  
Temper of  
the  
Assembly.

Governor Sir Nicholas Lawes found the temper of the Jamaican planters no less difficult than his predecessors. At the beginning of 1719 he reported that "the heats and animosities which have governed their passions" had compelled him to put an end to the Session of the General Assembly, without its having fulfilled the purposes for which it had been convened. The Assembly had again asserted their right to

adjourn themselves ; refused to tax their own estates, or to pay the money advanced by Lord Archibald Hamilton and the Council for the subsistence of the garrison.

On re-assembling in September after this adjournment, the Assembly sent up a "Deficiency" bill. It contained an objectionable provision obliging H.M. Receiver General to be accountable to this or any future Assembly. But the Governor persuaded the Council to accept it, not wishing to raise the old dispute as to the right of the Council to amend a money bill. The Assembly refused, however to accept the Council's amendment to their bill for appointing an Agent, and it was allowed to drop. A bill defining qualifications of members and the regulation of elections was discussed at conferences between the two Houses, whilst one for encouraging voluntary parties to suppress rebellious and runaway negroes was passed. Council and Assembly then fell to quarrelling. A bill to *defray the extraordinary charges of Government* was open to the same objection in regard to the Receiver General as the Deficiency Act. The Council proposed amendments to it, and the Assembly returned to their old contention that the Council had no right to amend money bills. The Council then rejected the bill, and the Assembly retorted by so amending a bill sent down to them for quashing the condemnation of the *Kingston* sloop as to make it a libel on the late Governor, Lord Archibald Hamilton. Sir Nicholas Lawes' attempt at reconciling the two Houses proved futile ; messages passed between them and resulted in a scuffle in which a Member of Council was accused of having affronted the House of Assembly. The Assembly was prorogued, but at its next session, took up its quarrel with the offending Councillor, and refused to have any further communication with the Council until he was suspended. Lawes then prorogued the Assembly till 10th March, with the intention of dissolving it before that date. In the meantime he asked the opinion of the Board whether it would be acceptable if the new Assembly brought in a bill for a perpetual revenue which should provide for the quit rents and also the enforcing of some of the Statute Laws of England, so as to

“ give the people of this country the privilege of English-born subjects.” This would have included the Habeas Corpus Act, and the statute for preventing frauds and perjuries. The present Assembly had passed a resolution for bringing in such a bill, and Lawes represented that they “ would insist upon it ” (34, 479, 548).

The  
Assembly  
dissolved.

Lawes dissolved the Assembly by Proclamation in February “ on account of the great contempt they have shown to our Instructions and the many indignities they have offered to our Council ” (132, 132 i). Mr. West pointed out the objections which might be taken to the Deficiency Act they had passed (267, 293). The Board of Trade expressed the pious hope that the next Assembly would shew more zeal in following H.M. recommendations for the security of the Island, now rendered more necessary than ever by the war with Spain. They reported the repeal of the acts *for the effectual discovery of persons disaffected to the King, and for ascertaining the number of ports of entry*. The Commissioners of Customs had taken exception to the latter act, and the Governor was instructed not to assent to any new acts to that effect unless it included a suspensory clause (138, 138 i, 148, 198, 295). The Board still hoped that the Governor would procure the payment of the money due to Lord Archibald Hamilton for the subsistence of the garrison (295). Lord Archibald presently petitioned for such payment with interest, as in the case of Lt. Governor Heywood (376 i, ii). The Board of Trade, to whom the petition was referred, found that the claim was just, and that with a view to similar emergencies in the future, it was of importance to Jamaica that the money advanced by Lord Archibald and the Council should be repaid with interest. But since the Assembly refused to comply, they submitted to H.M. what other method should be adopted (476, 548). The Governor was then ordered to pay the money with interest “ out of the first and readiest of H.M. revenues ” of Jamaica (509). Lord Archibald also petitioned that his share in the *Kensington (Kingston) prize*, which he had deposited with the Provost Marshal, should be handed over to him, since no appeal against her condemnation

Acts  
repealed.

Lord A.  
Hamilton's  
claim.

The new  
Assembly.

had been entered by the Spanish owners (181 i, ii). The new Assembly met in October, and in the same spirit as the old. Money bills were passed, liable to the same objections as those of the previous year. A bill was then brought in appropriating the money raised by them. One clause in this bill was intended to prevent payment of the money due to Lord Archibald Hamilton, and another authorised payments to the Attorney General, now elected Speaker, without warrants for them being passed by the Governor and Council (548). But the Governor had by this time thrown in his lot with the Assembly, and spiked the Council's guns by declaring that they had no right to amend money bills "as to the raising or applying parts." In view of the danger of an attack by the Spaniards, the Council dared not face the risk of an empty Treasury, and therefore unwillingly gave their assent to these acts (479, 479 ii, 540, 548). Among them was a Deficiency Act, and one laying duties on imported negroes and wines, with a special tax of £1500 on Jews for the subsistence of the Independent Companies. The Governor's account of these proceedings is given (540). Three other bills the Council rejected—the acts for appointing an Agent, repealing the condemnation of the sloop *Kingston*, and for the relief of sufferers from piracies (540, 540 i-v).

War with  
Spain and  
fortification  
of  
Port Royal.

Trade with  
Spanish  
Settlements  
proposed.

Logwood in  
Campeachy  
Bay.

Martial law was proclaimed when a Spanish squadron was reported to be sailing for the West Indies. The fortification of Port Royal was hurried on. "Hanover Line" was completed—"an incomparable piece of work" commanding the harbour. Lawes applied for a grant of guns to defend it (342, 342 i-iii, 479, 540). On the declaration of war, Lawes asked for permission to trade with the Spanish settlements as in 1704 (132). As the war progressed, the Jamaican merchants found themselves hard hit for lack of such permission. A project for retaking Campeachy Bay was set on foot (247, 247 i, 341 i). The recognition of the British right to cut logwood there was urged as a condition of peace (479, 540).

Privateers  
and Pirates.

Privateers were commissioned, and pirates were expected to come in and surrender with a view to taking a share in legalised warfare (132). Sloops fitted out by the Colony succeeded at the second attempt in recapturing a merchantman which had been seized by the pirate Thomson within sight of Port Royal. On their first essay, they had been beaten off by two pirate vessels (34, 132, 295). Complaints were made that the Commanders of H.M. ships were too busy trading on their own account with the Spanish Settlements, to protect the Island from pirates and Spanish privateers. Lawes repeated the suggestion of other Governors that naval ships should be subject to the instructions of the Governor and Council of their station (32, 167).

Answers to  
the Queries.

Lawes returned answers to the Board's queries as to the trade and inhabitants of Jamaica and its neighbours, but experienced difficulties in obtaining returns for a census (295, 295 i, 479, 479 i, viii).

The  
Leeward  
Islands.

Piracy was still rife among the Leeward Islands. Governor Hamilton gave an account of several encounters with "that vermin," and complained that they were protected by the Danes at St. Thomas (561). As the result of the Governor's representations (Dec. 19, 1718), the Admiralty contractor was instructed to provide for victualling H.M. ships in the Leeward Islands, instead of at Barbados as had been the practice (238, 239, 263). As in the case of New England (§2), the Board of Trade complained that information relating to the Leeward Islands was being published in the newspapers before it reached their office (163). The Governor was reminded of his Instructions to send full accounts of the revenue and laws and copies of the Minutes of the Councils and Assemblies. He was also to send a map of the Islands and a collection of the laws (162, 163). Hamilton in reply expressed his concern at being called upon to do what previous Governors had never done, and explained the difficulty he experienced in obtaining copies and returns from the clerks and deputies of Patent Office holders (316, 415). He was told that he was expected to fulfil



his Instructions, and, if need be, to suspend officers who failed in their duty (396). He answered the Queries sent him by the Board, giving some information on the trade and movements of the inhabitants. But on other points he was not so explicit as to satisfy the Board's thirst for statistics (316 i, 396).

Antigua  
Acts  
repealed.

Some Acts of Antigua were repealed (201), and Mr. West reported adversely on several that were sent over by Governor Hamilton (126, 126 ii, 201, 568, 568 i). As in Jamaica and on the Continent, the Assembly, in the Act for raising £5000, clung to a clause designed to take away from the Governor and Council and to secure to themselves the power over the issuing as well as the granting of money. The Act *for establishing Courts* Hamilton recommended as the best he could obtain, in the teeth of strong opposition, for enabling British merchants and others to recover debts in that Island. Hitherto it had been almost impossible for any creditors to recover the full value of a debt, owing to the "shameful and scandalous method" of appraisement in force. By the present act the appraisement was still to be in sugar or produce of the Island, but that was the customary medium, "there being no such thing almost in the Island as the species of cash."

Colonel  
Morris  
restored.

Colonel Thomas Morris was restored to his place in the Council, the evidence in support of the charge against him and upon which he had been suspended appearing unsatisfactory to the Board of Trade (65, 123, 140, 316).

Montserrat

Two acts of Montserrat were recommended for confirmation by Hamilton, whilst the Lt. Governor, Talmash, continued to enjoy leave of absence and to absorb the proceeds of a duty on imported liquors, "the only branch that brought money into the Treasury" (103).

Damages  
or Raid.

The question of damages for the French raid was now in the hands of the Commissaries at Paris, as were also the ease of the hostages from Nevis and the claim of Iberville (*v.* § 1).

Nevis. An act was passed in Nevis for defraying the maintenance of the one remaining hostage at Martinique, and for compensating one of the rest who had escaped and returned to Nevis (225, 561).

The grant in aid to Nevis and St. Kitts. Sufferers from the raids in Nevis and St. Christophers were now entitled by Act of Parliament to a share in the grant in aid, whether they had resettled in one island or the other. Claims for debentures were entered (25, 51, 231, 231 i, 298, 304, 305).

St. Kitts French Lands. No decision had yet been taken as to the disposal of the surrendered French lands in St. Christophers. Mr. Craggs, no doubt, was considering the proposal of the South Sea Company (529).

The collection, revision, and printing of the laws was proceeded with, not without difficulty (127, 415).

The Danes and the Virgin Islands. The Council of Trade represented that it was impossible to expect the inhabitants of the Leeward Islands to go to the succour of the Danes at St. Thomas as had been requested. They would need all their strength to resist a possible attack by the Spaniards. Moreover, they regarded the Danish Colony as prejudicial to their own interests, and the recent occupation by the Danes of St. John, one of the Virgin Islands, was one of the reasons why those left at St. Thomas were obliged to ask for assistance. The Board of Trade recommended that pressure should be put upon the Danes to remove from St. John, and that "neither they nor any foreign nation should ever be allowed to settle on any of the Virgin Islands" (39).

Newfoundland, Claim of Guipuseoans. Following up the ambiguous reference in the Treaty of Utrecht to Spanish fishing rights, the States of Guipuseoa presented a memorial requesting confirmation of their liberty to fish in the ports of Placentia and Newfoundland. They claimed to have been the first discoverers of the Island (351, 351 i, ii, 361 i). This led to enquiry on the part of the Board of Trade as to the first discovery of Newfoundland (353). In

their report they stated the British title by discovery and settlement and grants. The Treaty of Utrecht only secured to the people of Spain such privileges of fishing and trading at Newfoundland as they could claim by right. They founded their claim on first discovery, and that did not hold good. Moreover, as it was beyond dispute that the English were, and the Spaniards were not in possession of any part of Newfoundland at the time of the conclusion of the American Treaty in 1670, their claim was absolutely debarred by that Treaty. They had no manner of right either to fish or to trade there. The Board concluded its report by recalling their representation of 19 Dec. 1718, and the bill they had prepared for regulating and restoring the fishery. If the obstructions and disadvantages from which it suffered were removed by a new Act of this kind, neither the French nor the Spaniards would find much profit in competing with the English there (382).

The Fort at  
Placentia.

Progress was made in sending materials for the Fort at Placentia and buying land for the site (54, 59, 60, 64, 68, 71, 73, 78, 82).

Lt. Governor Gledhill on his arrival sent home a map of Newfoundland and submitted a scheme for cutting a road through the woods from Placentia to St. Johns (402, 402 i).

The  
Fishery.

The Commodore of the Newfoundland Convoy was instructed to take all possible measures to ensure that the bonds to be taken from New England masters against their carrying off British seamen should be effective (216 i, 414 i-vi, 437). At the same time the Governor of New England was ordered to put in suit those bonds which had been forfeited the preceding season (217).

Commodore's  
Report.

Commodore Ogle reported that the Fishing Admirals abused the powers with which they were entrusted, to serve their own private interests. They only observed the orders of the Commanders of H.M. ships so long as they remained in port. In the winter, in the absence of any authority, a state of drunkenness and disorder prevailed in the settlements. The

only way to prevent this was, in his opinion, to appoint Resident Magistrates as judges in the respective harbours during the absence of the Convoy in the winter months. Among those whom he recommended for such office was William Keen, who had set up a salmon fishery north of Cape Bonavista (414, 437), where George Skeffington petitioned to be confirmed in a similar industry (574 i, 576, 577). The House of Commons addressed for a return of ships and hands employed in the Fishery (414 vii, 507 ; *see also* §2, Nova Scotia).

Merrywings. Gnats or midges appear under the name of “merrywings” as adding to the discomforts of Captain Barnwell in South Carolina (164 i).

CECIL HEADLAM.

## CORRIGENDA.

P. 67 line 16 *for* Passamaynody *read* Passamaquody.

P. 93 last line *for* are ignorant *read* are not ignorant.

P. 116 line 24 *for* dehalf *read* behalf.

P. 366 line 9 *for* Mihot *read* Minot.

P. 366 line 35 *for* anuthing *read* anything.

The documents calendared in the following pages are included in the volumes of the Colonial Office Records preserved at the Public Record Office and listed as follows :—

5, 4 ; 5, 12 ; 5, 189 ; 5, 290 ; 5, 358 ; 5, 382 ; 5, 717 ; 5, 727 ; 5, 867 ; 5, 868 ; 5, 898 ; 5, 915 ; 5, 971 ; 5, 972 ; 5, 995 ; 5, 1051 ; 5, 1052 ; 5, 1079 ; 5, 1085 ; 5, 1092 ; 5, 1124 ; 5, 1265 ; 5, 1266 ; 5, 1293 ; 5, 1318 ; 5, 1365 ; 23, 1 ; 23, 12 ; 23, 13 ; 24, 1 ; 28, 15 ; 28, 39 ; 29, 13 ; 29, 14 ; 37, 10 ; 116, 22 ; 131, 16 ; 134, 2 ; 135, 3 ; 137, 13 ; 137, 46 ; 137, 51 ; 138, 16 ; 152, 12 ; 152, 13 ; 152, 39 ; 153, 1 ; 153, 13 ; 194, 6 ; 194, 23 ; 195, 6 ; 195, 7 ; 217, 2 ; 217, 31 ; 218, 1 ; 253, 1 ; 260, 3 ; 323, 7 ; 323, 8 ; 324, 10 ; 324, 33 ; 388, 21 ; 388, 77 ; 389, 27 ; 389, 37.

NOTE. *etc.* printed in italics in the course of the text indicates that matter merely repeated or of no importance is there omitted. Words printed in italics between square brackets [*thus*] are suggestions by the Editor where the MS. is rubbed or torn.

The reference “A.P.C.” is to the printed Acts of the Privy Council, Colonial Series.

# COLONIAL PAPERS.

1719.

1719.

Jan. 1.  
Boston.

1. Governor Shute to the Council of Trade and Plantations. *Refers to letter of 26th June etc. Continues:* Capt. Smart after his arrival [at Canso] had two or three days conference with the Governour [M. de Brouillan] who had no regard either to my letter or anything that Capt. Smart could offer upon that head, whereupon he sailed from Lewisbourgh to Cape Canso where he lay four days at anchor without making any seizures not knowing but upon his departure the Governour might alter his mind and send orders to the French to evacuate that place and to forbid them fishing any more in that Bay; but his waiting not having the desired effects he seized a briganteen and a sloop, took what fish he found on shoar and pulled down their hutts *etc.* This fish is the best in America and preferable to that of Newfoundland. If the French should think fit to complain all the papers will be transmitted to the Agent by this ship *etc.*

*Encloses* the laws of New Hampshire that are lately made *etc.* This Province is in a miserable condition by reason we have nothing [?but] paper Bills of Credit stirring amongst us, which sink daily in their value, and if some proper measures are not taken to remove this evil the Trade and this Province will be utterly ruined. *Signed*, Samll. Shute. *Endorsed*, Recd. 24th Feb., Read 4th March, 17 $\frac{1}{2}$ . 3 pp. [C.O. 5, 867. No. 31; and 5, 915. pp. 256-258.]

Jan. 1.  
Boston.

2. *Same to Same.* Encloses following. *Signed and endorsed as preceding.*  $\frac{1}{2}$  p. *Enclosed*,  
i, ii. Duplicates of Dec. 27, 1718. Nos. ii., iii. [C.O. 5, 867. Nos. 32, 32 i., ii.; and (without enclosures) 5, 915. p. 259.]

Jan. 2.  
Whitehall.

3. Council of Trade and Plantations to Mr. Secretary Craggs. *Enclose* Representation upon Newfoundland and Heads of proposed Bill (Dec. 19 and 24, 1718), to be laid before H.M. at the first convenient opportunity. "Because if H.M. should approve thereof it were to be wished that no time should be lost in bringing the same into Parliament this present Session." [C.O. 195, 6. pp. 484, 485.]

1719.

[Jan. 2.]

4. Petition of James Gohier and Sam. Buck of London merchants., two of the undertakers for settling ye Bahama Islands in behalfe of themselves and others concerned, to the Council of Trade and Plantations. Petitioners have been at vast charges in transporting tradesmen, planters and their famillys to the said Islands, in repairing ye old Fort on Providence, building two new forts for defending that harbour, and repairing two forts on other of ye said Islands. The Spanyards have already attempted (before ye warr was declared) to destroy ye present settlement and did actually land upon Catt Island one of ye sd. Bahamas and murdered all ye men and eard. off ye women, children and negroes. They have since threatened to come with greater force and land upon ye island of Providence *etc.* *Pray the Board to represent to H.M. the absolute necessity of sending another Independant Company there etc.* *Signed, James Gohier, Sam. Buck. Endorsed, Reed.* Read 2nd Jan. 17<sup>th</sup>. 1 p. [C.O. 23, 1. No. 11.]

Jan. 2.

5. Council of Trade and Plantations to Mr. Secretary Craggs. *Enclose* copy of preeeding. *Continues:* It is our humble opinion that it is absolutely necessary that those Islands be secur'd, more especially in the present conjuncture, least they should become a prey to the Spaniards or pirates who would thereby be enabled greatly to annoy our trade, whereas if the said Islands be secur'd in the possession of H.M. subjects they will be a great check upon the Spanish trade, and serve as a secure station for H.M. ships in those parts who will effectually command by that advantage the passage of the Gulph of Florida. But if it should be thought too late in the Session to make such provision this year for another independent company, we would humbly propose that for the present one company of Colo. Philipps's Regiment may be detach'd from Placentia to the Bahama Islands for the security of a new Colony, which if duly encourag'd may prove of great advantage to the trade of these Kingdoms. *Autograph signatures.* 2 pp. *Enclosed,*

5. i. Copy of No. 4 [C.O. 23, 12. Nos. 77, 77.i. ; and (without enclosure) 24, 1. pp. 20, 21.]

Jan. 2.

6. Secretary of the Society for the Propagation of the Gospel to the Council of Trade and Plantations. The Society for the Propagation of the Gospel *etc.*, have received advice from their Attorney and Manager of their Plantations in Barbadoes, bequeathed to them by the late General Christopher Codrington, that there hath been lately passed in that Island, an Act of Assembly making and declaring the Bay of Conset a publick Bay. This will occasion great damage to the Society's plantation of Conset. They desire to be heard against the Act before it be confirmed, *etc.* *Signed, David Humphreys, Secretary.*



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*Endorsed, Recd. Read 15th Jan., 17 $\frac{1}{2}$ s. 1 p. [C.O. 28, 15. No. 42; and 29, 13. pp. 497, 498.]*

[Jan. 5.]

**7.** Mr. Astell and Mr. Gee to the Council of Trade and Plantations. Proposals in detail for the encouragement to be given for the importation of iron, masts, timber, boards, potashes, *etc.* from H.M. Plantations. *Endorsed, Recd. Read 5th Jan., 17 $\frac{1}{2}$ s. 1 p. [C.O. 323, 7. No. 137; and 324, 10. pp. 225-228.]*

Jan. 7.

Custom  
House,  
London.

**8.** Mr. Carkesse to Mr. Popple. *Reply to Dec. 17, 1718.* The Collectors in the Plantations make a demand of the King's share of fines and forfeitures, and remit the same over here to the Receiver General of the Customs in pursuance of a standing article in their Instructions. But they having in some of the Plantations met with great difficulties from the Governours in recovering the King's share, the Commissioners did, 16th June 1716, propose that H.M. pleasure be signify'd to the Governours for paying H.M. share of all fines and forfeitures to the respective Collectors of the Customs. Altho' the Collector of Jamaica has taken credit for a part of the King's share of forfeitures paid into his hands whereby the advantage to H.M. may seem to be lessened, yet as he has no direction for such deduction the same will be disallow'd in his accots, and he will be obliged to accot. for the whole to H.M. *Asks for copy of Governors' Instructions relating to the King's share of fines or forfeitures etc. Signed, Cha. Carkesse. Endorsed, Recd. 8th., Read 28th Jan., 17 $\frac{1}{2}$ s. Addressed. 2 pp. Enclosed,*

8. i. Copy of presentment by the Commissioners of Customs, June 16, 1716, *referred to in preceding.* 1 $\frac{1}{2}$  pp.

8. ii. Several instances where the Governors have received the  $\frac{1}{3}$ <sup>rd</sup>. of forfeitures due to the Crown. 1687-1713. *Signed, Robert Paul. Asst. to C. G. 20th June, 1716.  $\frac{1}{2}$  p. [C.O. 323, 7. Nos. 144, 144 i., ii.; and (without enclosures) 324, 10. pp. 230-232.]*

Jan. 8.

Whitehall.

**9.** Mr. Popple to Mr. Carkesse. Asks for return of imports of iron and timber 1712-1717, and of duties paid thereon. The Council of Trade and Plantations desire some of the Commissioners of Customs to attend their Board *etc.* [C.O. 389, 27. pp. 74, 75.]

[Jan. 8.]

**10.** Account of timber imported from America, 1707-1717. *Endorsed, Copy'd from Sir Matthew Dudley's. Recd. 8th., Read 13th Jan. 17 $\frac{1}{2}$ s. 1 double p. [C.O. 323, 7. No. 138.]*

Jan. 12.

Custom  
House,  
London.

**11.** Mr. Carkesse to Mr. Popple. Encloses account of iron imports as requested, Jan. 8. [C.O. 389, 27. p. 75.]

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[Jan. 13.] **12.** Mr. Astell's computation of the difference of the prices and freight of Plantation and Russian tar. *Endorsed, Reed.* Read 13th Jan., 17 $\frac{1}{2}$ s.  $\frac{1}{4}$  p. [C.O. 323, 7. No. 139.]

[Jan. 13.] **13.** Petition of merchants trading to New England, Virginia and Carolina to the Council of Trade and Plantations. Petitioners are informed that the Government have it under their consideration to take off the bounty granted for pitch, tarr and turpentine. The monopoly would then revert to the Swedes who would exact excessive prices as before. The effect has answered the intentions of Parliament, for great quantities of pitch and tar have been imported and the price fallen to one quarter part of what it was. It has been a means of exporting to our plantations large quantities of woollen and other manufactures and greatly increasing the Navigation and nursery of the seamen of this nation. The bounty having been granted for a term of years, petitioners sent over a number of artists and utensils *etc.* for improving these stores whereby they have been brought to equall any from the East Country and are used in the King's yards *etc.* *Signed, Micajah Perry and 38 others. Endorsed, Reed.* Read 13th Jan., 17 $\frac{1}{2}$ s. 1 large p. [C.O. 5, 867. No. 22.]

Jan. 13. **14.** Mr. Caswall to Mr. Popple. Being inform'd your Honble. Board has under their consideration ye incourageing our trade to the plantations, by easing several species of returns of the duty payable here, *encloses following. Signed, Jno. Caswall. Endorsed, Reed.* 13th, Read 20th Jan., 17 $\frac{1}{2}$ s. *Addressed. 1 p. Enclosed,*

14. i. Memorial of John Caswall of London merchant to the Council of Trade and Plantations, in behalfe of himselfe and many others concern'd in a copper mine in N. England. New England draws for so great quantities of all kinds of manufactures from hence and have so little returns to make, notwithstanding their fishery (weh. all centers here) that the merchants there are greatly indebted to the merchants here, which visibly appears from the rate of the present excha., weh. from £160 New England money for £100 sterl. not long since, is now risen to £220. The consequence of weh. must in a little tyme bee the utter ruin of the trade between Old Engld. and New, unless there can bee found out something for returns *etc.* There has been lately discover'd a great vein of copper oar in that country, and in search of which, there has been already large sums expended, and in consideration of the dearness of labour there, and the difference

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of freight between that country and the Baltick, *proposes* that it be brought in custom free *etc.* *Signed*, Jno. Caswall. *Same endorsement.* 1 p. [C.O. 5, 867. Nos. 23, 23. i.]

Jan. 15.  
Whitehall.

**15.** Mr. Popple to Governor Rogers. The Lords Commissioners for Trade and Plantations have receiv'd your letter of 31st Oct. last and are well pleas'd with the acct. you give them of the state of your Government and desire you would continue the same by every conveyance; But as this letter of yours contains many particulars which deserve farther consideration they are not able in this juncture to give you so particular an answer to it as is necessary *etc.* In the meantime I am to acquaint you that they have represented the necessity of another Independent Company's being sent *etc. v. No. 5.* You write that you have sent over a map but none such is come to their Lordships' hands. Neither do they know where to enquire for it. There is one thing or two more that I must mention to you as from myself vizt. You desire that the King would approve and confirm the several persons you have appointed to be of the Council, but I believe you have not consider'd what the expense will be, it will come at least to £9 15s. a head, which will be in the whole about £117, and as there is no person here that I know of authoriz'd and enabled to disburse that money it will be to no purpose to recommend them to H.M., since the warrants will lie in the Offices for want of the said fees, which ought indeed to be paid proportionably by each person put into the Council as in other Plantations. Besides would it not be better for you that these persons should not be confirmed untill you have had more experience of them. The same difficulty lies in obtaining a patent for Mr. Beauchamp to be Secretary of the Islands for I know of nobody here impower'd to advance the money, but as he writes me that he intends to come to this Kingdom in about two months after Capt. Roche I suppose that difficulty will then be obviated. [C.O. 24, 1. pp. 22, 23.]

[Jan. 15.] **16.** Mr. Paris to Mr. Popple. Asks for copy of minutes of Council of New Jersey, 8th Dec., 1713, *etc.* *Signed*, Ferd. John Paris. *Endorsed*, Reed. Read 15th Jan. 1714.  $\frac{1}{2}$  p. [C.O. 5, 971. No. 77.]

[Jan. 15.] **17.** Petition of Stephen Duport to the Council of Trade and Plantations. Having lately heard of the death of his son, who had the management of his plantation in St. Kitts and was one of the Council there, petitioner is obliged to repair thither. He was formerly a Councillor, and has acted as Agent of the Island almost ever since he left it. *Prays to be appointed to the Council.* *Signed*, Ste. Duport. *Endorsed*, Reed. Read 15th Jan., 1714. 1 p. [C.O. 152, 12. No. 122.]

1719.

Jan. 15. **18.** Depty. Governor Keith to the Council of Trade and Plantations. *Replies to 5th and 19th March.* Tho' quantities of pitch and tar brought from the southward in exchange for provisions is shipp'd off from hence directly for Great Britain, yet none of that commodity is yet manufactured within this Government *etc.* *Refers to enclosure.* *Continues:* But I am of opinion that there is at least one third more wine imported here as well as in other Colonies above what are enter'd in these offices, and where the Governments of any two Colonies are divided by a river as this is from West Jersey, it will be impracticable to prevent the running of goods, because in a few minutes by night or day they can escape from one side to the other out of the Officers' reach; And of this I had experience about four years ago when I was Surveyor General of the Customes in these parts. I heartily wish your Lordships could find some remedy to this evil, which otherways will ever give a handle to evade the due observance of the Acts of Parliament *etc.* *Signed, W. Keith.* *Endorsed, Reed. 1st., Read 2nd July, 1719. 2 pp. Enclosed,*

**18. i.** Account of goods imported from Madeira and the Western Islands to Philadelphia, Christmas 1715-1718. *Total:* 655 pipes 9 hhds. 18 qr. casks Madeira wine, *etc.* *Signed, J. Moore, Collector.* *Same endorsement. 2 large pp.* [C.O. 5, 1265. Nos. 123, 123. i.; and (without enclosure) 5, 1293. pp. 179, 180.]

Jan. 16. **19.** Mr. Popple to Mr. West. Encloses for his opinion thereon two parcels of Acts of Pennsylvania passed 1712-13 and 1714-15. [C.O. 5, 1293. p. 161.]

Jan. 16. **20.** Sir A. Cairnes to Mr. Popple. Prays to be heard before the Council of Trade and Plantations report on his affair. (v. Dec. 15, 1718). *Signed, Alex. Cairnes.* *Endorsed, Reed. 16th., Read 27th Jan., 17 $\frac{1}{2}$ §.* *Addressed. 1 p.* [C.O. 217, 2. No. 53.]

Jan. 17. **21.** Richard Drafgate, citizen and girdler of London, to the Council of Trade and Plantations. In an Act of Pennsylvania, passed in 1717, *concerning feme sole traders*, are several matters directly repugnant to the Laws of England, diverse of H.M. subjects being thereby divested of there possessions. Drafgate being one of the persons injured, prays to be heard against the Act when transmitted *etc.* *Signed, Richard Drafgate.* *Endorsed, Reed. 17th, Read 28th Jan. 17 $\frac{1}{2}$ §.* *1 p.* [C.O. 5, 1265. No. 111.]

Jan. 19. **22.** H.M. Warrant to the Governor of Barbados to suspend  
St. James's Samuel Berwick, Receiver General of the Casual Revenues, from the Council "He being now in England and called upon

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by the Surveyor and Auditor General of Our Revenues in America, has delivered in a very imperfect and irregular account of his receipts *etc.* declaring that he is not able to give a more satisfactory account, by reason that his vouchers *etc.* are in Barbadoes; whereupon proper measures are taken and directions given for examining his accounts upon his arrival there." He is to be suspended from the Council, "to the end his authority and influence, by means of that place may be no delay or obstruction to the obtaining from him a true and fair state of his accounts" *etc.* *Countersigned*, J. Craggs. [C.O. 324, 38. p. 209.]

[Jan. 20.]

**23.** Heads prepared by Mr. Ackworth, Surveyor of the Navy, for a clause in an Act of Parliament, fixing the standard of pitch and tar which are to have a præmium. *Endorsed*, Reed. Read 20th Jan., 1715.  $\frac{1}{2}$  p. [C.O. 323, 7. No. 141.]

Jan. 21.  
Whitehall.

**24.** Mr. Popple to Mr. Humphreys. *Reply to 2nd Jan.* The Board will do nothing upon *the said* Act till the Society have had an opportunity of being heard. *Suggests* submission of their objections in writing *etc.* [C.O. 29, 13. pp. 498, 499.]

Jan. 21.

**25.** The Case of such Sufferers who sustained losses by the invasion of the French, in 1705, on Nevis and St. Christophers, who have settled on one of the said Islands, and have not their debentures issued forth, thro' some doubtful words in the Acts made for their relief. *Pray that* the Council of Trade may be impowered to issue said debentures to those whose names were returned in the Commission and prove their re-settlement in either of the Islands. By the Act of the 9th. Queen Anne, only such persons were to receive grants as resettled their plantations in the said Islands, or either of them. By the Act of 10th Q. Anne resettlement is defined as the residence of a planter or his agent upon their respective plantations and improving the same, and the return of other inhabitants to their former houses *etc.*, and proof of re-settlement was required before 25th Dec. 1712. Sufferers "which were destroyed upon one of the Islands, and re-settled on one of them," and others whose Agents did not enter claims in time, are still without their debentures *etc.* *Endorsed*, Reed. Read 21st July, 1715. *Printed*. 1 p. [C.O. 152, 12. No. 123.]

Jan. 23.  
London.

**26.** Edward Bridgen to the Council of Trade and Plantations. On behalf of traders and masters using the Newfoundland trade, enquires whether a ship bound thither on a fishing voyage, but stopping at Ireland for provisions, or France, Portugal *etc.* for salt, thereby loses his privilege of being Admiral if he first arrive in any port in Newfoundland. The Commodores 1716-1718 have given different rulings, *etc.* *Signed*,

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Edw. Bridgen. *Endorsed*, Recd. 23rd Jan., Read 3rd Feb., 17<sup>th</sup><sub>8</sub>. *Addressed*. 1 p. *Enclosed*,

26. i. Admirals of Bay Bulls to Commodore Scott. Enquire as to their status *as in preceding*. Capt. Robert Avent of Dartmouth disputes their title, he having come directly from England *etc.* *Signed*, Richd. Withall and two others. 1 p.

26. ii. Commodore Scott to the Admirals of the Bay of Bulls (*sic*) H.M.S. *Dragon*. St. Johns, 25 Aug. 1718. *Reply to preceding*. Confirms them in their office. *Signed*, Tho. Scott. 1 p. [C.O. 194, 6. Nos. 52, 52 i., ii.]

Jan. 23.  
Whitehall.

27. Council of Trade and Plantations to the King. Recommend that Stephen Duport, Charles Pain, Jno. Garnet and Wm. Mackdowel Esqrs. be appointed to fill the four vacancies in the Council of St. Christophers *etc.* [C.O. 153, 13. pp. 386, 387.]

Jan. 24.  
Nassau  
on New  
Providence.

28. Governor Rogers to [?Mr. Secretary Craggs]. On Dec. 27th I had a letter from Commadore Chamberlain dat'd at sea 20th Dec. in his passage from New York. He had then a fair wind to come to us and was but 20 leags hence, but thought fitt to pass me, wth a compliment of being glad to hear I was well and wisht me a merry Christmas, without giving me hopes of seeing him or any of the other two yt came wth. us here, they were then together, bound for Petty Guavas and thence to Jamaica, whither I immediatly dispatcht a sloop express to the Governour and him for assistance, ye ships of war's disregard to this settlement was like to prove of a very ill consequence, by encouraging the loose people here and even some of my own soldiers, Palatines and French that came wth. me they had privately consulted to leave the settlemt, nay some ring leaders had secretly agreed to seize and destroy me and my officers, and then deliver up the fort for the use of the pirates. I having timely notice of it, secur'd three of the principalls and punisht them with severe whipping but having no power to hold a Court Martiall and cannot spare the men to send them hence I shall release them and be the more on my guard. The people here are very lazy and poor, and provisions scarce so that I cannot subsist the garrison at the rate it was undertaken ye last year. I have been already foret to draw several bills on the Genm. that supported me to begin this Settlemt. and if I live till March I designe to send by an officer hence an account of the whole expence of this Colony, that H.M. and those Gentm. may be rightly apprised of the difficulty of this undertaking for I hope those honourable Gentlemn. will not be sufferers by venturing to serve the publick wth. so little assistance at a juncture when the attempt was and is so very precarious and cannot for some time be of any advantage but to the publick. You may perceive Sr. by ye foregoing

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letter that I have not had the joint assistance of the inhabitants but for 14 days, the rest has been done by a few of the best of them together wth ye negroes and my own men the latter I have been foret to keep to very hard duty and work ever since they recover'd ye fatal sickness on our arrival. The soldiers of Jamaica have handsome allowances from the country for their support wch. cannot be done here as yet, had one of the men of war stay'd here to have assisted and protected us, I don't doubt but we should have had abundance more inhabitants of substance settled here, those at Anguilla and the Virgin Islands that are of no value to the Crown, I hear are coming to settle here. Some from Carolina, Bermudas and other parts will also come as soon as they hear we can make a stand against the Spaniards. The sickness at our first coming together wth. ye men of war leaving us very much discourag'd the beginning of this Settlement. But there's none doubts this place being considerable if we are supported at first for a year or two and then it may support itself as much as any Colony his Majesty has. I have survey'd another harbour within a league and half of this that has more water than this and fitt to receive any of H.M. 50 guns ships wch. was more then we knew at our arrival. This Harbour of Nassau is not commodious enough for large ships but very fitt for small ones yt. does not draw above 14 foot water and ther's few trading vessels in these parts draws so much so that ys. will be very convenient for trade and the other to receive the King's ships yt. shall come hither. I have sent a draught of ye other to Jamaica to Comadore Chamberlen to show yt. any of the King's ships in ye West Indies may be secure here. I hope I shall have two of them from Jamaica to my assistance till I can have support from England, mean time I'll do my utmost to preserve this Colony. *Signed*, Woodes Rogers. 6 pp. [C.O. 23, 13. ff. 25-27 v.; and (duplicate) 31-17.]

[Jan. 27.] **29.** Rules for raising hemp. *Endorsed*, Reed. Read Jan. 27, 1718 (9). *Printed*. 1½ pp. [C.O. 323, 7. No. 143.]

Jan. 29.  
London. **30.** Edward Lascelles to Mr. Popple. If any memorial should be presented to the Council of Trade and Plantations against Coll. Samuel Barwick of Barbadoes, you are desired to send notice thereof to, *Signed*, Edwd. Lascelles. *Endorsed*, Reed. 29th Jan., Read 5th Feb., 1718. ½ p. (v. 1st April, 1718). [C.O. 28, 15. No. 43.]

Jan. 29.  
Whitehall. **31.** Mr. Secretary Craggs to the Council of Trade and Plantations. *Refers following*, "that you may propose to H.M. any further methods, which you shall think proper, besides those already taken, for the preservation of that settlement, and the security of our trade in general in those parts. I am to tell you by way of confirmation, that before Colo. Stanhope left

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Madrid, he was made acquainted with a design of the Spaniards to possess themselves of the Island of Providence." *Signed*, J. Craggs. *Endorsed*, Reed. 30th Jan., Read 3rd Feb., 17<sup>19</sup>.  
1 p. *Enclosed*,

31. i. Mr. Gale to Col. Thomas Pitt, junr. So. Carolina, 4th Nov. 1718. *Confirms and repeats* Governor Rogers' account of the danger of the Bahama Islands from pirates and the Spaniards. v. Oct. 31st, 1718. *Continues*: The pirates yet accounted to be out are near 2000 men and of those Vain *als*. Vaughn Thaitch and others promise themselves to be repossessed of Providence in a short time *etc.* The consequences would be not only a general destruction of the trade to the West Indies and the main, but the establishing a nest of pirates, who already esteem themselves a community, and to have one common interest *etc.* Major Bonnet's company taken by Coll. Rhett off this place, have had their tryalls of which 29 are convicted, and will this day be condemned, but he and his master are escaped from the Marshal, for which he is prisoner and likely to have his tryal *etc.* *Proposals* for ships to be stationed to cruise off Providence *etc.* *Continues*: The next measures to be taken will be to prevent the trade with [*the pirates*] from Rhoad Island, New York, Pensilvania, *etc.*, for the pirates themselves have often told me that if they had not been supported by the traders from thence with ammunition and provisions according to their directions, they could never have become so formidable, nor arriv'd to that degree that they have *etc.* *P.S.*—Nov. 6th. This morning Coll. Rhett has retaken Major Bonnet and brought him to town, where he is to have his tryal Monday next. The master was killed in taking and thereby avoided as he thought a more infamous death, but I believe he would have found mercy. About 9 this morning a new warlike ship of 280 tun from Boston, and a large brigg from Rhoad Island were carried off the coast by a pirate ship, taken as they lay within sight of the town. A clergyman (who had the good fortune to come ashoar from the brigg) tells us there is certainly a war with the Spaniards, if so nothing but a speedy reinforcement of Naval forces from Great Britain can support the settlement of Providence unless leave can be had from the Crown to call in the pirates who cruise the seas, *etc.* I expect to return to Providence again, as soon as the business of the pirates is over, *etc.* *Copy.* 3½ pp. [C.O. 23, 1. Nos. 12, 12, i.]



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Jan. 29.  
Whitehall.

**32.** Mr. Popple to Mr. Carkesse. *In reply to* Jan. 7th, *encloses* copy of Instructions relating to fines and forfeitures, and the account of the Collector of Jamaica, Sept. 1st. *No. v.* [C.O. 138, 16. p. 158.]

Jan. 30.

**33.** Governor Rogers to [?Mr. Secretary Craggs.] *Acknowledges* receipt of Commission for pardoning pirates to the 18th Aug. last, wch. I receiv'd but three days ago; immediately publisht it here. I am sorry to see H.M. goodness has no more effects on the major part of those villains that are still out, and doubt unless H.M. own ships in these parts exert themselves more and are station'd under the directions of the Governour in proper places to destroy the pirates, it will be very hard to reduce the remainder, and if it is not soon done, I fear they will again grow more numerous notwithstanding what has been done at South Carolina, Virginia and here to deterr them. I have now an account of one Capt. Congon that commands two pirate ships of 36 guns each, who designs to come hither, to offer to surrender themselves and embrace H.M. gracious pardon, and the time being so far elapsed, I would if I could resist them, but the inhabitants here are so much their friends that I fear I shall be forced to receive them at all hazards, if I do I will send an express immediately for England, and in the mean time manage them as well as I can. We having no King's ships yet come, nor hopes of succour should the Spaniards attack us, and if they do with the small numbers I now have, I shall be in a mean condition to hold out, so that what to depend on I cannot tell, and should the pirates come first, it may be best to receive them to defend myself against the Spaniards, for if I refuse to receive them, most of those I have now with me will either joyn them or quitt me, and then they'l possess the place maugre all I can propose to do against them. I have been at great charge to fit out small vessels to cruize amongst these Islands to prevent the growth of pirates, but the last were foret to retire for fear of being themselves taken. I have paid as much as I could spare towards the bounty money H.M. has allow'd for apprehending pirates to Captains Hornigold and Cockrem, and those that were with them. I hope the whole mony for a Captain, gunner, boatswain and ten pirates being taken, will be paid the gentlemen concernd to promote this Colony, and it shall be justly divided here so as to encourage the like undertakings. *P.S.* The ship being lost in which I design'd to have sent the prisoners taken on suspicion of corresponding with pirates, I have with advice of my Council been foret to accept of but moderate security for their good behaviour, our provisions being short and garrison weak *etc.* *Signed,* Woodes Rogers. 4 pp. [C.O. 23, 13. ff. 28-29v.; and (duplicate) ff. 33 v.—35 v.]

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Jan. 31.  
Jamaica.

**34.** Governor Sir N. Lawes to the Council of Trade and Plantations. I have not been honor'd with any of your Lordship's commands, since my letter of 10th Oct. By this conveyance I am to give your Lordships. a particular acct. of the late proceedings of the Council and Assembly which I shall endeavor to put in a clear light, with the utmost impartiality. But I am really at a loss what excuse to make for the heats and animositys which have govern'd their passions, and grew at length to that height, that made it absolutely necessary (after a long forbearance) to put an end to the Sessions, without their having answered the ends for which they were called together. Your Lordships will please to observe throughout all the speeches I made the endeavors I have used to reconcile each House to the other, and it is matter of great concern to me, that all the persuasives I have been able to use, has hitherto proved ineffectual; But as I have discharged my duty with a safe conscience, and wth. zeal and application for H.M. service; so I hope the miscarriage of the publick affairs will not in the least be imputed or lay'd at my door. Herewith I send your Lordships. attested under the Broad Seal the Minutes of the Council and Assembly. and begg leave to point out to your Lordships the most material passages that have hapned. On the 1st of August the Assembly mett. *Refers to speech on that occasion, and to p. 14 in Journal of Assembly*, where they come to a resolution and assert their right of adjourning themselves for a longer time than *de die in diem*; this resolve indeed presaged but a bad omen of their future conduct: however I was unwilling at that time to take particular notice of it to prevent giving them the least handle to obstruct the publick business: resolving at the same time never to allow them to put in practice their pretended right, but in such case to have asserted H.M. prerogative. The next thing material that occur'd is in page 31, wherein they come to several resolutions on my speech some of wch. (vizt.), that in relation to the extending the produce of their real estates towards the payment of their just debts wou'd not be of advantage to the country, and another in relation to the not paying the Lord A. Hamilton and others for the mony by them advanced for the subsistance of the soldiers. were not agreeable to what might have been expected, and wch. I had with so much earnestness recommended to them. The time of the sitting of the Grand Court drew now near, and I advised with the Council, whether I shou'd adjourn the Assembly for a month, or put off the Court till the next term: and they were unanimously of opinion (two former Courts having been adjourned) rather to give a recess to the Assembly than to adjourn the Court, which would have been a discouragement to Trade and a delay to justice. I therefore on the 23rd Aug. adjourn'd the Assembly till the 24th Sept. And on the 24th Sept. the Assembly met and on the 26th Mr.

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Page presented a petition complaining of a pamphlet writ by the Lord Archibald Hamilton, wch. petition was refer'd to the Committee of Grievances, and from that time to the 23rd Oct. they were chiefly taken up after that inquiry, and in framing a report, which they then did (*p.* 58). Having sent to the House H.M. order in Council recommending to them the payment of Mr. Knights late Receiver General, they did on 2nd Oct. come to a resolution *p.* 42, to recommend him to the Governor and Council to give him such relief as is consistent with law. This my Lords was in effect doing nothing, for as they had provided no relief by law, so they tied myself and the Council down to give him only such relief as was consistent with law, and even this Resolution they never did send up to us, so that affair stands as it did. On the 10th Oct. the Council recd. from the House two Bills, one intituled *An Act to oblige the several inhabitants of this island to provide themselves with a sufficient number of white people, or pay certain summs of money, in case they shall be deficient, and applying the same to several uses.* The other, *An Act for appointing an Agent in Great Britain to solicit the passing of laws and other the publick affairs of this Island.* As to the first the Council made some scruple to the Receiver General's oath, and that he shou'd be accountable to this, or any future Assembly: But I was unwilling (if possible to avoid it) to bring upon the stage the old dispute of the Council's right in amending money bills, so I prevail'd with them to pass this bill without amendment, hoping the Assembly wou'd take such care in framing their other mony bills, as might not be liable to objections of that nature, but conformable to H.M. Instructions, some of which in relation thereto, I thought fit to communicate to them on yt. occasion. As to the soliciting bill the Council made several amendments to it, and the house adhering to their bill and the Council to their amendments, the bill dropt. The next bill the House sent up was that *for qualifying members to sit in Assemblies and to regulate elections,* to which the Council likewise made some amendments, and had several conferences thereupon; but that bill did not come to any maturity, before the prorogation. On the 15th Oct. began to break out the first divisions that hapned between the two houses, and that was upon the Council's refusing to allow Mr. Wood to attend the Committee of Grievances, much time was taken up by both houses in framing long messages one from the other on this affair, which had no other tendency as I often told them, than to create heats and animositys and which occasion'd my making a speech to them, to which they return'd an address *etc.* *Refers to Minutes.* The 16th Oct. the house sent up to the Council a bill intituled, *An Act for the encouragement of voluntary partys to suppress rebellious and runaway negroes,* which the Council passed; and is one of ym. now transmitted to your Lordships for H.M. Royal assent. And on the

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17th they sent up a mony bill intituled, *An Act to impose dutys on several commodities to defray the extraordinary charges of the Government, and applying the same to several uses, and for the relief of several persons therein mention'd.* I cou'd have asked that this bill had been so framed and agreeable to H.M. Instructions, as the Council might have past it without amendments. But tho' the Assembly had order'd the mony arrising by that law into the hand of H.M. Receiver General for the time being, the Council found as in the Deficiency Law, they had tied him up by an oath to be accountable to the present or any future Assemblys. Another objection they had to it, and I think very justly, was a clause in it, in the nature of a tack't for the relief of William Norris, and Samuel Clark two of their own members for several country duties due from them on prize goods which clause was objected to by the Council, and if I am rightly inform'd, had the bill pas't wth. that clause in it, the mony thereby forgiven wou'd have amounted to near as much as the bill wou'd have rais'd. Besides there was another clause in relation to Canary wines, which seem'd to clash with an Act of Parliament. Those and some other objections to the bill, made the Council on 31st Oct. (p. 68) desire a Conference with the House on that bill, which induc'd the Assembly to come to a resolution, that no amendments proposed by the Council cou'd be received by the house to any clause which related to the raising and applying mony. This Resolution being privately signified to the Council, they to avoid disputes about Conferenees, sent the bill down to the house with amendments and they adhering to their bill, and the Council to their amendments: the bill was lost. The Council on 25th Oct. sent down to the house *a bill to repeal the condemnation of the sloop Kingsington otherways called, Neustra Señora de Bellin*, which the Assembly return'd wth. amendments p. 65, which amendments the Council were of opinion wou'd make the bill a groundless libel against Lord A. Hamilton, and therefore adher'd to their bill, and the Assembly to their amendments. We were now come to 1st Nov., and the feuds between the Council and Assembly encreasing, I thought it necessary to pass two laws, which had been prepared for my consent (vizt.) *An Act to oblige the inhabitants to provide themselves with white people, etc.*, and *an Act for the encouragement of voluntary partys to suppress rebellious and runaway negroes.* And I made a speech to them on that occasion p. 75, recommending unanimity, and to lay aside the needless disputes concerning Mr. Wood, which had taken up so much of their time in vain. I must indeed do the Council the justice to acquaint your Lordships. they did in obedience thereto come to a resolution to receive no more messages from the house on that subject. And the Assembly had invited myself and the Council to an entertainment on the 5th of November. I was

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then in great hopes that by the example I had shewn them, and the endeavours I had used, all former piques and animositys would have been lay'd aside and forgot; But alas! about an hour before we were to have gone to dinner, the Assembly sent up to the Board a long message relating to the same controversie, which so soon as the Council perceived, they told the two members who brought it, that they had in obedience to my desire come to a resolution to drop that dispute, and to receive no more messages on that subject, upon which they carryed the message back to the house, but in a little time after, it was return'd by the same Messengers with this addition, That the house had come to a resolution to receive no more messages from the Councill till they had accepted of theirs. And the Messengers who brought it forcing it upon the Council contrary to their Resolution, the same was some way or other thrown off the table, and the two Members of the Assembly returning to their house reported that the same was done and spurn'd at by Mr. Gregory a Member of the Board, which the house took as a great indignity and affront. The Board on the other hand thought the treatment of the house in forcing upon them a message full of invectives, but a rude way of proceeding, and finding them not inclined to drop that dispute they were of opinion no more good was to be expected from them during that Sessions, and therefore advised me to give them a short prorogation, that a final end might be put to all those differences, and whereby they wou'd have another opportunity of doing their country service if they reallye designed it, and accordingly on 6th Nov. I prorogued them till ye 10th, and made a short speech to them on that occasion, page 82. During this interval I used all imaginable means, and persuasives to reconcile and unite the members of both houses to one another, earnestly recommending to them to prefer H.M. service and their countrys wellfare to any private piques or resentments. But to my great grief the Assembly began their Sessions with resolutions in relation to the pretended affront offer'd (as they said) by Mr. Gregory to their message of last Sessions, and they addressed me *p.* 85 on that subject. Your Lordships will see at large the answer I gave *etc.* *p.* 87. The Council finding that little good was to be expected from them, and that particuar and private piques continued still to govern their passions beyond their regard for the publick wellfare; unanimously addres't me on the 12th not to continue them sitting any longer *etc.* *p.* 147. Nevertheless my Lords I was extreemly desirous to try all possible ways and means to perswade them to pass into laws the resolutions they had come to *p.* 91 on my Speech that they might have an opportunity of doing something for the good of their country, and answer the ends for which they were called together, and for that purpose I inclined to continue them sitting some days longer. But I was astonished when on the 13th I

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received a message from the Assembly accusing Mr. Gregory of disloyalty to H.M. This I immediately communicated to the Council, and order'd Mr. Gregory to withdraw from the Board. But I was then and still am of opinion, that the same was set on foot by the Assembly without sufficient grounds, and meerly to gratifye the resentments of the house against him, for a pretended affront to their message, tho' never intended by him, and disclaim'd by the whole Board : however my duty obliged me to make as particular enquiry into this matter as possibly I cou'd, seeing it came from that Body of the Legislature : But your Lordshps. will please to observe, that after the most strict examination of the witnesses mention'd in the houses message *etc.*, how little ground the house have had for exhibiting so heinous a charge against him, and the Council did after a full examination into that matter come to resolutions, which I imparted to the Assembly in answer to their Address on that subject *p.* 98. On the 15th the Assembly resolv'd to send their message to the Council by their Clerk, and accordingly sent him with a bill to the Council, a thing without president and of the first impression, which the Council resented by not receiving it, and acquainting the Clerk they wou'd receive no messages, but in the antient and known practice ever since the first institution of Assemblys in this Island (*vizt.*) by members of the house, and here I must take notice to your Lordshps. of a very plausible motion and order thereupon which was that day made in the house, to bring in a bill, *for the raising a perpetual Revenue for the support of H.M. Government, and the contingent charges thereof and asserting the rights and liberties of the subjects, by enforcing and continuing such Acts as might be consistant with the welfare of the Island.* The latter part of this title I apprehend was chiefly to enforce here the Habeas Corpus Act, and that in relation to frauds and perjuries. But as the framing of such a bill would be a work of many months for the best lawyers we have, I cou'd not much depend upon the sincerity of their intentions at that juncture, especially when they had sat near three months doing little or nothing ; and had in effect by some of their Resolutions broke off all communication wth. the Council, and the differences were come to such a height between both houses, that they knew it was impossible they cou'd continue sitting much longer. However had I seen any likelyhood of bringing so desired a work to a happy conclusion, they shou'd have had their own time to have framed it in. But that good disposition in them soon vanisht, for on the 20th when I communicated the resolution of the Council in answer to their Address to suspend Mr. Gregory *p.* 98, the house came to the following resolution, "that untill the Council do H.M. justice by consenting to suspend Mr. Gregory a person noted for his disaffection to H.M. person from the Council, and until they make the house reparation

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from the indignity offer'd to the house, that the house can't have any farther intercourse with that Board, if they respect either their duty to H.M. or the trust reposed in them by their country." This resolution I had privately signified to me, which I thought was intirely shutting the door of communication between both houses: I then saw it was altogether in vain to continue them sitting any longer. I therefore with the unanimous advice of the Council, sent the Provost Marshall to command their attendance, which they not obeying so soon as in duty they ought, occasion'd my sending the Provost Marshall a second time to command their emediate attendance, and so prorogued them by a speech suitable to the occasion p. 98 to ye 10th of March and thus ended this long and fruitless session *etc.* I must intreat your Lordps.' favourable construection on my endeavors (tho' unsuccessfull) for H.M. service; and the true interest of this Country, which I have so much at heart: I am apprehensive shou'd I suffer this Assembly to meet at the time they stand prorogued to, they wou'd still be for gratifying their resentments preferrable to the service of their King and Country; I therefore intend with the advice of the Council to dissolve them by Proclamation setting forth the reasons for so doing, and shall advise with the Council the propper time to call a new one, which I hope will pay a more dutifull regard to H.M. recommendations, and acknowledge his great goodness and condescension in bestowing his Royal favours upon this Island. But I must intreat your Lordsp. directions shou'd the next Assembly meet with a disposition (as I am in hopes they will) to bring in a bill for the raising a perpetual Revenue for H.M. *etc.* which would be of great advantage to the Governmt. here, especially if the quit rents were therin put upon a right footing, which in such case I wou'd take care to see done. H.M. Revenue wou'd not then lye under the frequent anticipations it now does, and which makes the Government here in a manner dependant upon the Assembly for supplies. I therefore begg your Lordsp. opinion whether you think H.M. wou'd pass a Law of that nature, that wou'd inforce here some of the Statute Laws of England, and give the people of this country the priviledges of English born subjects, at the same time they granted a perpetual revenue to H.M. his heirs and successors. Another thing which I think material to give your Lordships an accot. of is, of an order of the house of the 10th Nov. to bring in a bill to appropriate several suns of money raised by former acts in Col. Heywood's Government, and now remaining in the hands of Commissioners. In this bill the summ of £5,800 was to have been appropriated to the reimbursing of the revenue, and the expectation of receiving this bill from the house was one of the chief motives that induced me to allow them to sit some time longer, after the Council had addressed me on that subject. But at last I

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found the house look't upon this bill as their sheet anchor, and wou'd not part with it before the Council had consented to their unreasonable demands. And I am here to take notice to your Lordships, that by an accot. I have had since delivered to me by some who were upon the Committee of publick accots. I find the following summs now lying useless in the hands of Commissioners. *Totals in cash and outstanding debts, £18,349 2s. 5d.* Had the Assembly thought fit to have appropriated this money to the service of the Government, and to the encouraging the bringing over and settling white people amongst us, they would have had little occasion to have raised more this year for that service. But their heats and divisions have hitherto had a sway over their reasons, and has so far prevailed that they now suffer so large a summ of money to lye in the hands of private persons, who make advantage of it whilst H.M. Revenue and the publick are opprest and want supplies to defray the just debts of the Government. As to the state of the Island in general, I look upon it to be in a weak and defenceless condition, both with respect to the small number of inhabitants and to the fortifications which want considerable repair, and tho' there is mony in ye fund allotted for that service, yet we are at a loss how to dispose of it to the best advantage for want of an Engineer: I was in great hopes to have seen such an officer here before this time, having had assurances given me before I left England that he shou'd soon follow: I must therefore intreat your Lordships. recommendations to H.M. on yt. head, and likewise that we may be supplied with the stores and other implemts. of war, which I formerly sent your Lordships. a list of. On the 11th Dec. an unlucky accident hapned to a ship called the *Kingston* from London whose cargoe is said to be valued at £20,000. She was unfortunately taken by one Thompson a notorious pyrate within sight of Port Royal, and none of H.M. ships of war being then in harbour, the freighters and owners of that ship made application to me, to commission two sloops, which were then lying in harbour ready to sail, to goe in quest of the said pyrate, they promising at the same time  $\frac{1}{3}$  part of whatever was recovered, as a reward beyond what H.M. had been pleased to promise in his Royal proclamation, to such who wou'd goe out in the said sloops on that service; I did thereupon grant two Commissions to the said vessels to continue in force for the space of two months, and no longer, and gave the Commanders thereof proper instructions, and took the usual security on like occasions for the due observance of them: and they were soon man'd and sayl'd the 26th Dec. in pursuit of the pyrate. But at the South West part of this Island they mett wth. two vessels, one of which upon their approach hoisted a blagg Flag at the top-masthead, and then the engagement began, the other proved to be a sloop the pyrate had lately taken: one of our vessels



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after an obstinate dispute was boarded and overcome by the pyrate, who threw vast numbers of powder flasks granado shells and stinkpots into her which killed and wounded several, and made others jump overboard, seventeen of which our other vessell took up, who inform'd them of the strength of the pyrate which so disheartned the men on board ye other vessell, the pyrate having a superior force, that they made the best of their way back to Port Royal. The pyrate by information proves to be a vessell from Trinidado on Cuba with 150 banditti of all nations; I am just now informed that they have put our men whome they had taken on shoar at the Caimanoes, several of them being wounded and about 35 kill'd in the engagement, the ill success of this expedition has so exasperated our people that they made fresh application to me (none of H.M. ships of war being yet in harbour) to commission two other vessels, and the merchants and traders of both towns being very earnest for it, I summoned a Council and had their advice to commission two other vessels, wch. was accordingly done, and they are well man'd and fitted with every thing necessary. I am in hopes speedily to have a good acct. of them, they having been out near three weeks, since which time there is arrived here H.M.S. *Ludlow Castle*, *Diamond*, *Milford*, *Rose*, *Happy* and *Shark* sloops, and some days agoe the *Ludlow Castle* and *Happy* sloop sail'd to cruize to windward to protect the ships we daily expect from England. The *Milford* and *Rose* are to cruize round this Island in search of the pyrates. The *Diamond* goes convoy through the windward passage with several merchant ships now bound home, and the *Shark* sloop remains in harbour refitting. But I must leave it to the Commanders of H.M. ships to give an account on what service they have been employed ever since my arrival here, all I shall say, is had they been stationed in guarding our coast and cruizing in proper places, it might probably have prevented the mischief that has hapned to us. And here I must instance to your Lordships. one particular wch. will clearly demonstrate how necessary a thing it is, that the direction of H.M. ships shou'd be lodged in the Governor, for tho' the Commanders thereof, by their Instructions are directed to advise and consult with myself and the Council; yet they have no other regard for wt. is resolved upon, than is consistant with their own private gains, our coast having been for a considerable time past infested by vessels said to be fitted out from Trinidado, I did with the advice of the Council write a letter to ye Alcades of that place, and gave the same about nine weeks since to Capt. Jacob, Commander of H.M.S. the *Diamond* to deliver, and it was then resolved upon that after he had seen some merchant ships (which were then under his convoy) through the windward passage, he shou'd cruize for some time between the north part of this Island and Cuba, and deliver my letter to the Alcades

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of Trinidado. But after seven weeks' cruize, I know not where, he return'd me my letter, and said, he had not an opportunity of delivering it, so that your Lordships may plainly observe, that unless the Commanders of such ships are made accountable to the Governor for their proceedings, the publick will reap little advantage from them. I am inform'd by the Factors of the South Sea Company, who have made their escape from Porto Bello on board of Capt. Whitworth, that a tartan was arrived there from Spain with orders to seize the factors and their effects, and to send their persons and books to the Custome house at Seville, and that the like orders had been dispatch't to all the Spanish Governments in these parts to seize on all H.M. subjects and their effects, and wherever they meet our vessels coming to or going from this Island, they are treated by them as in time of declared war, so that we dayly suffer great losses, without having any redress : and more particularly I am to acquaint your Lordships, that some time since three or four of our vessels with a considerable number of seafaring men, and inhabitants of this Island, were in a hostile manner attack't on the coast of Florida by the Spaniards, and there taken and carry'd to the Havana, where they are kept in prison at nights, and obliged in the day time to do the most servile duty in carrying stores for the fortifications of that place : application has been made to me by the wives, children and relations of those people, and several depositions have been produced, fully making out those facts, all which I communicated to the Council who proposed and to which I readily agreed, immediately to send a vessell with a letter from myself to ye Governor of the Havana (*v. No. i.*) The Council likewise advised me not to allow the Spaniards which are now here to the number of about seventy to depart this Island till such time we have an answer from the Havanna wch. I dayly expect. *Signed, Nicholas Lawes. Endorsed, Reed. 15th April, Read 25th June, 1719. 28 pp. Enclosed,*

34. i. Governor Sir N. Lawes to the Governor of the Havana. *Complains* of the dayly hostilitys and outrages committed on H.M. subjects by Spaniards, and demands restitution of those H.M. subjects and their effects who were attacked on the coast of Florida about 3 months since, when employed on their lawfull occasions, carried into the Havanna and used in a barbarous and inhumane manner, and are there still most unwarrantably detained, notwithstanding one of H.M. ships was sent by the Governor of Providence to His Excellency to demand them *etc.* He has treated the captain and crew of a Spanish ship lately cast away upon the coast of Jamaica with great generosity and consideration. They will be allowed to proceed and remit their effects where they please, upon receipt

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of H.E.'s reply complying with above request *etc.*  
*Signed and endorsed as preceding.* 3½ pp. [C.O. 137, 13.  
 Nos. 29, 29.i.; and (without enclosure) 138, 16. pp.  
 184-209.]

Jan. 31.  
 Whitehall.

**35.** Mr. Secretary Craggs to the Lt. Governor at Placentia. Oliver Toulon is permitted to return to the possession of his house at St. Peters, there to have the quiet enjoyment of his fishing trade, as one of H.M. subjects, provided that he act therein as the law and customs of Newfoundland direct, *etc.* *Signed*, J. Craggs. [C.O. 324, 33. p. 211.]

Jan. 31.  
 St. James's

**36.** H.M. Warrant, confirming Christopher Gale in the office of Chief Justice of the Bahama Islands. *Countersigned*, J. Craggs. [C.O. 324, 33. p. 212.]

Feb. 2.

**37.** Governor Rogers to [?Mr. Secretary Craggs.] Here arrived a sloop this morning from Barbadoes that in her passage got intelligence of the two pirates aforesaid it's one Moody in a ship of 22 guns and one England in a brigantine, and not Congon (v. 30th Jan.) *etc.* I hope I shall be able to resist them and not be obliged to receive such villains that I should be glad could I have the assistance of the men of war to bring them to justice if they come. *Signed*, Woodes Rogers. *Endorsed*, Reed. London, 24 June, 1719. 1 p. [C.O. 23, 13. ff. 30, 30v.; and (duplicate) 35v., 36.]

Feb. 2.  
 Albany.

**38.** John Riggs to Charles Delafaye. Applies for H.M. Commission to command the Independent Company of Col. Mathew, deed. and for "your dr. Lieut. Dick" to be his lieutenant (v. 11th May, 1717) *etc.*, *etc.* *Private affairs.* *Signed*, John Riggs. *Addressed.* 1 p. [C.O. 5, 1092. No. 6.]

Feb. 3.  
 Whitehall.

**39.** Council of Trade and Plantations to Mr. Secretary Craggs. *Reply to Memorial of Danish Envoy* (v. 31st Dec., 1718.) We have reason to apprehend H.M. Leeward Islands are so far from being in a condition to afford the assistance to the Danish Colony at St. Thomas, desir'd by the Memorial, that they will need all their strength for their own defence in case the Spaniards should design to make an attempt on some one of those Islands, which it is probable they may, if it be true, as is set forth in the Memorial, that the Spanish Governour of Porto Rico has already under his command there three ships of war and three sloops of 12 guns each, and expects a reinforcement of troops from Spain. Besides we believe H.M. subjects of the Leeward Islands would be very unwilling at any time to bear any extraordinary charge, or be expos'd to

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any hazard in defence of that Danish Colony (which they have so frequently complain'd of as being very prejudicial to them in many respects) and would think the hardship so much the greater now the Danes seem to want this assistance, chiefly by reason of their having remov'd part of their force from St. Thomas to support the settlement they have lately made on the Island of St. Johns, one of the Virgin Islands belonging to H.M. For these reasons therefore we are of opinion that the prayer of the said Memorial is not proper to be complied with. We think ourselves obliged on this occasion to acquaint you that the Govr. of the Leeward Islands seems by a letter, we lately receiv'd from him, to be very impatient to have orders from H.M. concerning the settlement the Danes have made on the Island of St. Johns, a particular accompt of which we transmitted to you by our letter of the 1st of July last, and having in our Representation of the 18th of the said month fully express'd our opinion on that subject, we shall now only repeat that we believe it absolutely necessary the Danes should be dispos'd by such means as H.M. may judge most proper to remove the settlement they have made at St. Johns, and that neither they nor any foreign Nation should ever be allow'd to settle on any of the Virgin Islands. [C.O. 153, 13. pp. 388-390.]

[Feb. 3.] **40.** Copy of Act of Pennsylvania *concerning feme sole traders* (v. 17th Jan.). *Endorsed*, Reed. Read (from Mr. Drafgate) 3rd Feb., 1718. 3½ pp. [C.O. 5, 1265. No. 113.]

[Feb. 3.] **41.** Petition of Samuel Buck to the Council of Trade and Plantations. Encloses following, received since petition of 2nd Jan. q. v., and presses for immediate succour for the Bahama Islands. *Signed*, Sam. Buck. *Endorsed*, Reed. Read 3rd Feb., 1718. ¾ p. *Enclosed*,

41. i. Extract of letter from George Dawes of Jamaica to Saml. Buck, 7th Nov. 1718. We have advice from all parts that the Spaniards are fitting out everywhere to destroy Providence; they have for above 12 months taken everything they met with that they cou'd in these parts. About 14 days ago a sloop from Vera Crux brought advice of two men of war and 5 or 6 sail of other vessels fitting there, which were to sail soon after them to join others at the Havannah for their expedition against Providence, and by a small schooner from thence lately, we hear that the men of war were gone to Barbados *etc.* *Repeats news from the Bahamas v. Oct. 31st, 1718.* 1 p. [C.O. 23, 1. Nos. 13, 13. i.]

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Feb. 4.  
Whitehall.

**42.** Council of Trade and Plantations to Mr. Secretary Craggs. *Reply to 29th Jan. Refer to preceding. Conclude:* We need not repeat what we have frequently represented, vizt. the consequence of securing the Bahama Islands to the Crown, but we must desire, you would please to lay before H.M. our opinion that it is absolutely necessary another independent company or the like number of men, one small ship of war and some large artillery and stores should be sent for their security and protection, and that this should be done without loss of time, least this settlement, which is of the greatest consequence to the whole trade of the West Indies should be lost to the Crown of Great Britain. *Autograph signatures.* 2 pp. [C.O. 23, 12. No. 78; and 24, 1. pp. 24-26.]

Feb. 4.

**43.** Mr. Dummer to [?Mr. Popple.] Proposes to bring to the Board several merchants who can inform them about the curing fish at Marblehead, etc. *Signed,* Jer. Dummer. *Endorsed,* Reed. 3rd, Read 4th Feb., 1715. 1 p. [C.O. 5, 867. No. 26.]

Feb. 4.

Custom  
House,  
London.

**44.** Mr. Carkesse to Mr. Popple. Encloses account of timber imported, as requested 8th Jan. [C.O. 389, 27. p. 108.]

Feb. 5.

Whitehall.

**45.** Mr. Popple to Jacob Ackworth, Surveyor of the Navy. There being a petition depending for a grant of lands in Nova Scotia, the Council of Trade and Plantations desire to know whether the Commissrs. of the Navy do not think it proper there should be a clause in the grant, reserving such trees to the Crown as are proper for masts and of such oak or other trees as may be fit for the Royal Navy, in which case they desire you would send them a draught of a clause for that purpose etc. [C.O. 217, 2. p. 377.]

Feb. 5.

Virginia.

**46.** Lt. Governor Spotswood to Mr. Popple. I very lately had ye happyness of receiving your letter dated ye 14th of Octr. last, and with much pleasure accept the commission you give me, for serving you with the plants and seeds you write for etc. None of your letters has come to my hands since yours dated this day two years; since which time I have wrote very largely to you. I have good reason to apprehend that they have been interecepted by some undue practices [*erasure*], and that some of those persons, whom he employs to dispatch the Virginia paequets, may be in league with a certain Agent, who is waiting at home to serve a party of men which I am contending with here etc. It is not very long ago that I have had demonstration of their opening my letters; wherefore I wish yt. you would for ye future commit, not only your own letters, but even those from the Board, to the care of Mr. Robt. Cary,

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of Virginia. *Mereht. etc* If the hint you give me of somewhat to come, that will be to my satisfaction proves to be a dismissal of four or five of our turbulent Councillors (such as Blair, Ludwell, Smith and Byrd) we may then expect to have peace and quiet in this Colony, and Assemblys meet to make laws for the publick weal *etc*. If not, their indulgence will entail upon the Board perpetual complaints from this quarter; or else ye Governor must fall entirely into these peoples schemes of Government, and becoming a thorough Creolian, must never dare to render to the Ministry at home so faithfull an account of his administration as I have all along done *etc*. *The complaints against him are merely the work of the eight subscribing Councillors and Mr. Byrd, who is determined to turn him out. The tottering Governor is the appellation given him in papers dispersed through the Government. Repeats part of gist of Dec. 22. 1718. Concludes: I fear my adversarys have been long before me with their representations, for they surprisingly produced their Address just upon the sailing of the last ship for that year, and since her departure I have not till now met with an opportunity of sending a letter; and this offering by a chance ship, I am too suddenly called upon, neither dare I venture, but by some good ship and trusty master, my full answer to their Articles etc. Signed, A. Spotswood. Endorsed, Reed. 13th, Read 29th April. 1719. 2<sup>3</sup>/<sub>4</sub> pp. Enclosed,*

46. i. Some remarkable proceedings in the Assembly of Virginia Anno 1718. *Printed copy of Dec. 22. Nos. ii, iii, v. 4 pp. [C.O. 5, 1318. Nos. 62, 62 i.]*

Feb. 6.  
St. James's

47. Order of King in Council. Referring following to the Council of Trade and Plantations for their report. *See A.P.C. II. No. 1309. Signed, Edward Southwell. Endorsed, Reed. Read 12th Feb. 1719. 1 p. Enclosed.*

47. i. Petition of Francis Lord Guildford to the King. Guardian to the Lord Baltimore, petitions for leave of absence of Lt. Governor John Hart, of Maryland, for the recovery of his health for 12 months. In his absence, his place to be taken by the first member of the Council there *etc*. *Copy. 1 p. [C.O. 5, 717. Nos. 74, 74. i.]*

Feb. 6.  
Whitehall.

48. Council of Trade and Plantations to the Lords Commissioners of H.M. Treasury. *Enclose extract of letter from Mr. Bridger Oct. 24th, 1718. and recommend his application for salary etc. Continue: As to the other part of his letter, wherein he says, that the person now appointed to succeed him intends to officiate by a Deputy; we hope he has been misinformed, because we have reason to believe, that it will be impracticable for a Deputy to act with any success in that station, since Mr. Bridger who is allowed to have all the necessary*

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qualifications, and appears to have been very active and diligent in the discharge of his duty, has not hitherto been able to hinder the inhabitants in those parts from committing great waste in the woods. [C.O. 5, 915. pp. 251, 252.]

Feb. 6.  
Whitehall

**49.** Mr. Popple to Mr. West. Encloses for his opinion thereon Act of Pennsylvania *for the advancement of Justice and more certain administration thereof etc.* [C.O. 5, 1293. p. 163.]

[Feb. 6.]

**50.** Petition of Ambrose Philips, Agent for New York, to the Council of Trade and Plantations. *Prays for a favourable report upon an Act of New York, passed in the late Queen's reign, repealing an Act to oblige Robert Livingston to account etc. Encloses printed copy etc. Endorsed, Reed. 6th. Read 10th Feb., 1718. 1 p.* [C.O. 5, 1051. No. 80; and 5, 1124. p. 62].

Feb. 6.  
Speaker's  
Chambers.  
&c.

**51.** Order of House of Commons. The Committee to whom the petition of the sufferers of Nevis and St. Christophers is referred, order a return of papers relating to the grant in aid *etc. Signed, Peter Godfrey. Endorsed, Reed. 7th, Read 10th Feb., 1718. 1 p.* [C.O. 152, 12. No. 127; and (duplicate) 127 i.]

Feb. 6.  
St. James's.

**52.** Order of King in Council. Referring following to the Council of Trade and Plantations for their opinion thereon. *Signed, Edward Southwell. Endorsed, Reed. 13th, Read 25th Feb., 1718. 1 p. Enclosed,*

**52. i.** Lords Commissioners of the Admiralty to the King in Council. Admty. Office, 3rd Jan., 1718. *Propose that the 54th Article of the Governor's Instructions, directing them in the case of the captured pirates' goods to secure the same till H.M. pleasure be known, or, if perishable, to sell them publicly and secure the proceeds etc, be annulled, several irregularities derogatory to the Admiralty jurisdiction having happened by virtue of that clause, and the Governors being sufficiently instructed by their Commissions as Vice-Admirals etc. Signed, J. Jennings, Jo. Cockburne, W. Chetwynd, Jno. Norris, Cha. Wager.*

**52. ii.** *Same to Same.* Mr. James Smith, Advocate for the Court of Admiralty, in New England, having represented to us, that the provincially Judges make frequent and intollerable encroachments not only on H.M. authority, but on the jurisdiction of the Admiralty in those parts, insomuch as to sett at liberty persons imprisoned by decree of the Admiralty Court for debts and penaltys due to H.M., and to sett aside by pretended prohibitions, all appeals to the High Court of Admiralty, and to issue out writts, for large sums of money against masters of ships and others who

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sue in the Vice-Admiralty Courts, whereby the British navigation is exceedingly discouraged; and that he having applied to the Govr. for redress hath found it altogether in vain, for that the said Governor believes by his Commission as Vice Admirall, he himself makes up the whole Court, and upon this supposition directs his warrant to the Marshall to seize ships and goods and overturn the decrees of the Court *etc.*, And wee having received complaints of the like nature from the Courts of Admly. of other H.M. Plantations insomuch that it appears there is little or no regard had to the authority and jurisdiction of the Admiralty abroad: Wee do therefore most humbly pray H.M. will be pleased to command the severall Govrs. of his foreign Colonys and Plantations that they do not only forbear giving interruptions to the proceedings of the Courts of Admly. within their Governmt. and restrain the provincially judges from doing the same, but that they give all possible countenance, and assistance to ye judges and other officers of the said Courts, in all cases that properly come under their cognizance *etc.* *Signed and dated as preceding. Copy. 2 pp.*

52. iii. James Smith to Governor Shute (*v. preceding*). John Oulton and Cornelius Waldol, merchants, Sept. last, pending an action between them and others in the Court of Admiralty, did by publick placards and otherwise defy and insult the jurisdiction and authority of the said Court, and endeavoured to excite others to join in the like practices in open contempt of H.M. Royal Commissions and Acts of Parliament, whereby Courts of Admiralty are established here *etc.* They owned the facts charged on them and were fined £25 each by the Court. But upon application made by them to the Superiour Court of judicature for this Province then sitting at Bristol, a prohibition was issued out for stopping execution of the sentence till the proceedings in Admiralty should be heard by them. And notwithstanding the Court of Admiralty did comply with the said prohibition tho' contrary to law, and H.M. Commission, which require, that parties aggrieved by a sentence of Admiralty in these parts, should appeal to the High Court of Admiralty in England; nevertheless Oulton and Waldol have in further contempt of H.M. Prerogative and Laws, and likewise in disobedience to the order granted at their request by the judges of the Superiour Court, raised a prosecution against the Advocate [*James Smith*] before the judges of the Inferiour Court, and have caused him to be arrested by the Sherriff of this



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County in the sum of £400 for executing his office according to the tenour and express words of his Commission, and the Judge of Admty's direction, *etc.* *Prays* H.E. to interpose his authority for vindicating the undoubted rights of the Crown, since such proceedings can be carried on with no other view, than to suppress the exercise of any power immediately derived from the Crown *etc.* *Signed*, James Smith. Boston, Feb. 12, 1716 [*sic*]. *Copy.* 3¼ *pp.*

52. iv. James Smith to Josiah Burchett. Boston in New England, 18th Feb., 1718. *Refers to* Memorial of Aug. last, laying before the Lords Commrs. of the Admiralty the encroachments upon H.M. prerogative. *Continues* : The Judges of the Provincial Courts have at last assumed to themselves the power not only of prohibiting all kinds of actions even for seamen's wages in the Court of Admiralty, but likewise suffer the actors or prosecutors, who sue in the said Court, and the officers thereof to be tried before them, and to be mulcted at the discretion of their juries. The Marshal has been arrested several times, and forced to follow their Courts from one county to another, upon no other pretence, than that he executed the decree of the Court, and last week I was arrested *etc. ut supra.* *Refers to the* intollerable oppressions we lie under occasioned by an utter aversion the great part of the people in these parts entertain against all powers not derived from themselves. And by their example the neighbouring Provinces, some of which have no Charters but hold precariously of the Crown, have thrown off their submission to Admiralty jurisdiction, so that at present it is almost quite suppressed. *Signed*, James Smith. *Copy.* 2¼ *pp.*

52. v. *Same to Same.* Boston, Nov. 8, 1718. A French vessel belonging to Cape Francois came directly from thence last June unto this harbour. The Master Détehevery having waited on the Collector ashore was permitted to unload his cargoe, consisting chiefly of molasses, into a warehouse, and then to sell it for £900. Upon the loud complaints of the merchants residing here, and their earnest applications for having such an open breach of the Treaty of Neutrality for America duly proceeded against, especially since the letter of the Council of Trade 18th May, 1717, I did in pursuance of my duty exhibit a libel against the vessel and goods, and insisted on having both confiscated; not that I believed the Judge of Vice Admiralty, would in opposition to the Governour and Collector proceed so far, but with intent to check in

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some measure at least those pernicious practices by exposing them to publick view. The Collector appearing in defence of the vessel gave into Court a paper signed by himself and the Comptroller, upon which the libel was dismissed, and soon after Décheverry purchases here a new sloop and cargo under the colour of some Frenchmen's names inhabitants of this place, and sails directly to Cape Breton, and from thence to H.M. harbours of Canso, whereby his sloop was seized about 20th Sept. by Capt. Smart and brought hither in order to be adjudged to H.M. By some of Décheverry's papers, which had fallen into Captain Smart's hands, it evidently appear'd that the great civilities which had been done him, flow'd from another principle than that of humanity, as it was pretended, for in one article, besides wine there is a present of £20 to the Collector, and £15 10s. to his two waiters, of whom Mr. Vincent Marshall of the Vice Admiralty is one *etc.* In my humble opinion both offices cannot be discharg'd by one person without great prejudice to trade and the execution of justice. Capt. Smart H.M.S. *Squirrel*, brought in last month from Canso two French vessels which he found trading there contrary to the Treaty of Neutrality *etc.* We proceeded to trial and the whole was confiscated and delivered by the Marshall into Capt. Smart's possession, in regard the vessels and the fish on board were not only perishable but actually perishing, and no motion had been made on the Governour's part to have them put into the hands of any other person, he having enacted himself to make good to H.M. the full value according to appraisement. H.E. was very much displeased with the decree, especially that part of it, which empower'd Capt. Smith to dispose of the prizes, and being made believe, that the cognizance of this matter was not competent to the jurisdiction of Admiralty, or if it was, that as Vice Admiral he might by his own authority stop proceedings and supersede all decrees of Court, he directed a warrant under his hand and seal to the Marshal, requiring him to seize the vessells and cargoes, and to carry with him a sufficient force in case Capt. Smith inclin'd to make any resistance. Tho' the warrant had not the effect H.E. intended, yet the authority of the Court was thereby render'd so precarious, and contemptible that the Provincial Judges, having privately consulted together, granted prohibitions not only in the cases then depending but also those which had been decided. *Instances given. Copy. 6 $\frac{3}{4}$  pp.*

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52. vi. John Menzeis, Judge of Admiralty in Massachusetts Bay, to the Lords Commissioners of the Admiralty. The judges of the Court of Justice for this province being either offended by memorialist's efforts to reform abuses and regulate proceedings in maritime causes by the laws and forms observed in the High Court of Admiralty in England, or apprehending that the Court of Admiralty might become of greater use, and more considerable than they desired, have thought fit to weaken and almost suppress its authority and jurisdiction by several illegal and unwarrantable acts. Upon pretence that they have the same power to issue out prohibitions as belongs to the Common Law Courts in Westminster Hall, with respect to the proceedings of the High Court of Admiralty in England, they have caused serve prohibitions against the Judge of Admiralty here, in two cases purely maritime *etc.* Whereas it is presumed no such power is competent to their Courts, the Statutes whereby Admiralty Jurisdiction in England is limited having no relation to the Plantations. Besides the writs of prohibition, which they have issued out, are irregular both in matter and form *etc.* *Quote cases given in No. iv.* Further, the General Court of this Province in their late Assembly, notwithstanding the clauses of reservation of the rights of Admiralty in their Charter, upon the bare opinion of one chosen by them, to be their Attorney General for this year, hath assumed the power to pass an Act, which not only forbids under a severe penalty, the Officers of the Court of Admiralty to take or demand any fees, but such as they thought fit to establish. and wherein are omitted, not only more than the third part of the articles which occur in that Court, for which dues have ever been paid, since the establishment thereof by the King in these Provinces, but likewise differs from an Act of Parliament *for the encouragement of trade to America.* The Judge and officers of the Court of Admiralty implore their Lordships' protection, and that a stop may be put to the violent proceedings against them *etc.* Copy. 6½ pp. [C.O. 323, 7. Nos. 148, 148. i-vi; and (without enclosures), 324, 10. pp. 234, 235.]

- Feb. 9. 53. Reservations of Naval Stores proposed to be made in grants of lands in Nova Scotia, offered by the Naval Board v. Feb. 5. Endorsed, Recd. Read 12th Feb., 1715. 2¼ pp. [C.O. 217, 2. Nos. 56; and (duplicate), 57.]

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Feb. 10.  
Office of  
Ordnance.

**54.** Board of Ordnance to the Council of Trade and Plantations. Your Lordships are sensible with what difficulties we have gott, from Parliament, £2500 for securing the harbour of Placentia, by building of a stone redoubt at the entrance of it; And as this cannot be done without the assistance of the trading ships by carrying at easie freight several materials which that place do's not afford, as limestone, culm, freestone etc. we were in hopes they would have readily come into the same, since it might have been a means to induce the Government to do the like for other harbours, but to our great disappointment they demand 20s. a tunn, half of which we are willing to give provided they will carry it to Placentia, altho we were allowed but at the rate of 3s., it being proposed to be carried as ballast to the several ports they fish att. *Request them to write to the Chamber of Exeter etc. to exert their endeavors therein etc. Signed, T. White, M. Richards, T. Wheate, John Armstrong, T. Frankland. Endorsed, Reed. 10th., Read 12th Feb., 17<sup>19</sup>. 1 p.* [C.O. 194, 6. No. 53; and 195, 6. pp. 485, 486.]

Feb. 11.  
Whitehall.

**55.** Mr. Secretary Craggs to the Governor of Barbados. You are to give all reasonable countenance and assistance to Mr. Hales and Mr. Hodges *as desired in following. Signed, J. Craggs. Annexed,*

55. i. Petition of Robert Hales, one of the Clerks of H.M. Privy Council, and Thomas Hodges to the King. Robert Hales being married to the widow of the late Coll. Hallet of Barbados, and Thomas Hodges to Col. Hallet's heiress are engaged in a suit of Chancery, in defence of the respective rights of their wives, against William Cogan, one of the executors, who lays claim to one half of Col. Hallet's personal estate (£20,000). *Pray that the Governor be directed to give his favour and assistance to hasten the ending of a vexatious suit, etc. Mr. Cogan by his artful ways and dilatory proceedings having already caused the suit to depend for 1½ years etc.* [C.O. 324, 33. pp. 213, 214.]

Feb. 12.  
Whitehall.

**56.** Mr. Secretary Craggs to the Governor of Barbados. Upon the complaint of Abel Alleyn *etc* (v. 17th Nov. 1718), you are to send a letter in the most pressing terms to the Governor of Martinico, to demand their [Runaway] negroes which letter you are to send by a Messenger of your own, and take particular care, that no illegal trade be carried on with the French Settlements under this pretence. *Signed, J. Craggs.* [C.O. 324, 33. p. 215.]

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Feb. 12.  
Whitehall.

**57.** Mr. Popple to Mr. Burchett. *Encloses* extract of letter from Nath. Shannon (*v.* Dec. 9, 1718), *and enquires* if there be any further accounts at the Admiralty, *etc.* [C.O. 5, 915. p. 254.]

Feb. 13.  
Admiralty  
Office.

**58.** Mr. Burchett to Mr. Popple. In reply to preceding, *encloses following* "The same is all the accounts their Lordships have received" *etc.* *Signed*, J. Burchett. *Endorsed*, Reed. 14th Feb., Read 4th March, 1715. *Addressed*. 1 p. *Enclosed*,

58. i. Extract of letter from Capt. Smart, H.M.S. *Squirrel*, to Mr. Burchett, 22nd Oct. 1718. I carried here from Canso on 5th Oct. and brought with me two French vessels which I seized at that place for fishing and trading there contrary to the 5th and 6th Articles of the Treaty of Peace and Neutrality in America *etc.* Both have been condemned in the Court of Admiralty and confiscated with their lading to H.M. and I, as captor, being allowed to dispose thereof after apprizement, *etc.* have taken possession of them, notwithstanding which H.E. Governor Shute hath arbitrarily endeavored to take them from me, having after the judges decree sent the Marshall of the Vice Admiralty on board by virtue of a warrant under his own hand and seal, which I repeal'd to take them out of my possession under pretence my security is not sufficient and that the country must be answerable and by that means to get a grant of it from H.M. under pretexte that what service I have done has been by his and the Counsell's orders. 1½ pp. [C.O. 5, 867. Nos. 33, 33.i.; *and (without enclosure)* 5, 915. pp. 259, 260.]

Feb. 14.  
Whitehall.

**59.** Mr. Popple to the Mayors of Exeter, Poole, Bideford, Barnstable and Dartmouth. *Urges* acceptance of proposal by the Board of Ordnance *v.* Feb. 10th. [C.O. 195, 6. pp. 487, 488.]

Feb. 16.  
Poole.

**60.** Mayor of Poole to Mr. Popple. Reply to 14th Feb. The master of the only ship bound to Placentia will carry 60 tons at 20s. pr. ton and not under. No other master will contract at any rate, being bound to distant harbours *etc.* *Signed*, Ben Skutt. *Endorsed*, Reed. 18th., Read 19th Feb., 1715. *Addressed*. Postmark. 1 p. [C.O. 194, 6. No. 54.]

Feb. 16.  
Philadelphia,

**61.** Deputy-Governor Keith to Mr. Popple. When the inclosed report comes to be laid before the Board, I conceive it will be proper to make some enquiry (i.) Whether the Crown of England has not always claim'd a right to the Lakes westward of these Colonies, *etc.* (ii.) If Hudson's Bay, as I conceive it is,

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be unquestionably ours, whether we must not also have as good a right to the great Lake or Lac Supérieur with which that Bay has a communication by water. (iii.) Whether Dr. Cox had not some grant of the River Mechasippi before it was discovered by the French, and what sort of a grant it was. Also that you will please to inform their Lordships that a gentleman of worth and credit here assures me that he has seen a French commission from the Governor of Canada dated about 3 years ago, wherein the person to whom it was granted is particularly required to obstruct the English settlements. *Signed, W. Keith. Endorsed, Reed. 1st., Read 2nd July, 1719. Addressed. 1½ pp. Enclosed.*

61. i. *Same* to the Council of Trade and Plantations. *Report, in reply to 19th March, 1718*, upon the progress of the French in finding out and securing a passage from their settlements on St. Lawrence River to that on Mechasippi. I have my information chiefly from the Indian traders and shall not pretend to vouch anything from my own knowledge *etc.* Yet first I would intreat your Lordships to observe, that from an article in the Treaty of Reswick, by which all lands on any rivers in America, the mouths whereof were then in the possession of either Nation, are conceded to that Nation as high as the first sources of those Rivers, the French by virtue of the Sieur de la Salle's expeditions and discoveries do now claim all the lands to the northward and westward of the British Colonies from Canada along the Lakes unto the mouth of the River Mechasippi; But as it is hard to imagine that such a concession was ever intended by the foresaid article, because it is not only inconsistent with the ancient grant from the Crown to the Proprietors of Carolina, but also with the security of all H.M. Colonies on this Continent of America, I only submit it to your Lordships view *etc.* From the time that the French first discovered the River Mechasippi they have with great care endeavoured and at length have actually settled a communication between Canada and the Southern countries on the said river. First they sail in cannoes from Mount Real about three leagues to the fall of St. Lewis, where they have a portage or carrying place by land about half a league; then they reembark and row up the stream about sixty leagues to Fort Frontenac on the North side and at the beginning of Lake Ontario. In this fort is a small garrison, consisting of one or two companies in the King's pay. From thence they proceed on the Lake Ontario, generally reputed to be about eighty leagues in length, to those dreadful Falls of Niagara, which

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oblige them to land; the portage is about three leagues, after which they reëmbark and go up the Strait about six leagues into the Lake Erie, reputed to be 130 leagues in length. And from this Lake they have three different routs to the River Mechasippi. The first and shortest passage by water is to go up the River Miamis or Ouamis that enters Lake Erie on the South West, about 150 leagues, then they come to a carrying place of about three leagues, where is the highest land, and from hence the waters divide their descent between Mechasippi and that Lake; Here they embark on a small shallow river called la Riviere de Portage, down which they row forty leagues to the River Wabash or Ouabache, and on that river, as the traders reckon, 120 leagues to the River Ohio, into which the other falls, then 80 leagues down Ohio to Mechasippi, and thence 350 leagues to the Bay of Mexico. Some call both these rivers by the same name, and generally Wabash, but they ought to be distinguished, because the head of Ohio comes more easterly towards Virginia or Carolina, and among divers other large streams it receives the River Peresipi on the South side not far from the mouth of Wabash, which river, Peresipi, is said to rise from the mountains of Virginia or Carolina. The other two passages are both prick'd down in Hennepin's Map, and according to the accounts given are thus, From the North East of Lake Erie they sail eight leagues to a fort on the Lake St. Claire, called Pont Chartrain, where there is a settlement of the French, and often 400 traders meet here; then along the Lake seven leagues, thence to the great Lake Huron about ten leagues; On this Lake they proceed to the Straits Missilimakina 120 leagues. Here is a garrison of about 30 French, and a vast concourse of traders, sometimes not less than a thousand, besides Indians, being a common place of rendezvous. At and near this place are the Outawas settled. From the Lake Huron they pass by the Strait Missilimakina four leagues, being two in breadth and of a great depth, to the Lake Illinois, thence 150 leagues on the Lake to Fort Miami situate on the mouth of the River Chigagou; This Fort is not regularly garrisoned. From hence came those Indians of the same name viz Miamis, who are settled on the forementioned River that runs into Erie. Up the River Chigagou they sail but three leagues to a portage of a quarter of a league, then they enter a small lake of about a mile, and have another very small portage, and again another of two miles to the

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River Illinois, thence down the same 130 leagues to Mechasippi. The third is from Missilimakina on the Lake Illinois to the Lake des Puans ninety leagues, thence to the River Puans eighty leagues, thence up the same to a portage about four miles over to the River Ouisconsing, thence forty leagues to the Mechasippi. From the mouth of Ouisconsing to the mouth of the River Illinois is reputed 150 leagues on Mechasippi, and from thence to the mouth of this seventy leagues: so that from the mouth of Ouisconsing to the Bay is about 500 leagues. These distances are as the traders reckon them, but they appear generally to be much overdone, which may be owing to those people's coasting along the shoars of the Lakes and taking in all the windings of the Rivers. They have another much shorter passage from Mount Real to Lake Huron by the French River on the North of St. Lawrence, which answers the two latter routs, but it abounds with falls, and not answering trade so well is not so much used. They have also by this river a much shorter passage to the upper Lake or Lac Superieur. But of all the passages, that by Ouabache is the shortest and easiest *etc.*

*A State of the Indian Nations:* It has ever been the policy of the French, in time of war as well as peace, to use their utmost endeavours by all manner of means to bring over any sort or all kinds of Indians into their interest; But as it is in vain to perswade an Indian to think otherwayes than that those are his best friends who can help him to the best bargain, the Iroquese or five Nations have hitherto been preserved by the Dutch and English at New York, chiefly on account of finding better markets there than with the French. Nevertheless by the artifices of their Jesuit Missionaries they daily continue to debauch them from the English interest in so much that of the whole number of Iroquese now remaining, which does not exceed 2000 fighting men, the French have drawn over 700 to inhabit amongst them, viz. 400 seated at the Fall of St. Lewis on the South side of St. Lawrence, and 300 on the North side. The rest of them are planted chiefly along the Lake Ontario, at some distance from it. I am told there are no Indians in the French interest on this side of St. Lawrence nearer than the Miamis or Twoittois, as the Iroquese call them. They are in numbers about 2000, seated chiefly on the forementioned River Miamis flowing into Lake Erie, and on or near the branches of the River Ouabache. The gaining of this one Nation



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would be of great importance to the English interest, and might be easily done at this time, if any offer was made of trading with them, and of building a Fort upon Lake Erie, where the French as yet have no settlement, tho' probably they will soon go about to have one, upon the account of these people, as well as to render their passage through that Lake more casie and safe. The Illinois are about 3000 men, on or near the River of that name. The Missilimakinaes or Outtawas were formerly 3000, but now are scarce 500. The Nokes 100. The Fellesavoins 200. The Sakes 200. The Puans 600. All these joined the French against the Iroquese in the last war, and all of them, except the Miamis, are seated about or near to the Lake Illinois, which is now commonly call'd by them Mechegan, and on the rivers that run into it, and on the Lake Puans and the River Illinois. There are also divers other Nations between Mechegan and Mechasippi, as the Renards or Foxes, Massekotins, Kikapous; But these being farther off did not join the French against the Iroquese. On Mechasippi and the branches of it there are many great Nations, especially to the West, as the Missouris, Ozages, Acansias, who are different from those of Acansa on the East, with many more, not less, as is affirmed, than 60,000 men : with all whom it is said, the French have peace or some small alliance. On the other hand, all the English to the northward of Carolina have not 1500 men in their interest, except the Iroquese. In New England and Connecticut they have very few : In New York only the River Indians besides the Iroquese : In Jersey or Pensilvania their own or home Indians, call'd Delawares are exceedingly decreased, and being in subjection to the Iroquese take their rules from them : In Maryland and Virginia there are very few, excepting those towards the South West whom Collo. Spotswood with great industry has lately gain'd by treaties and hostages. Those of Carolina and the Nations lately in friendship with them have been very numerous ; but the Iroquese, whether prompted by the French or by what other motive is not known, have of late years made great inroads upon them, and cannot as yet by any endeavours of the English, be diverted from it *etc.*

*Methods to prevent the inconveniences of ye French settlements.* Tho' it may be justly said that we exceed the French in the improved value of our settlements upon this Continent, yet from the above account it is plain, that we come far short of the industry which

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they use in cultivating a necessary correspondence and friendship with the natives, without which our further progress to the westward will soon be circumscribed, and we shall likewise be under daily apprehensions of losing what we already possess. But since this friendship and correspondence is by experience no otherwayes to be acquired than by trade, it will necessarily follow, that this trade ought by all means to be encouraged and extended with our utmost care and diligence; And that this may be done to the publick advantage as well as to that of particulars, it will be proper to consider the nature of this trade, with respect to Great Britain: to the Colonies where it must be carried on: and to the French who are our rivals in it. The trade itself consists in the exchange of a very few simple commodities, viz., They take from us the woollen manufacture of Britain, gunpowder, shot, fire-arms and trinkets, for which we receive in barter furs and skins; And this being almost a total exchange of British produce or manufacture, through the hands and by the navigation and labour of British subjects in these Colonies, suppose it only for an equal quantity in value of goods which are either wanted at home, or may be justly placed to Great Britain's credit upon the ballance of trade in the forreign countries, it will inavoidably follow that Britain must gain in proportion to the magnitude or extent of the trade in general, and therefore we may conclude that it ought not only to be encouraged, but established upon an equal foot throughout all these Colonies, as they are inhabited by British subjects carrying on one British interest without any distinction made or regard had to their particular settlements or Societys as separate Governments. With respect to the Colonies: This Trade will enrich particulars in proportion to the quantity they deal in and the profit it brings, which of late years has been so considerable that it has tempted the trading interest of some Colonies to pursue that gain with an unreasonable desire of crushing their neighbours; But this practice is by all means to be discouraged from Great Britain as highly destructive of the publick interest, both with respect to trade and the advancement as well as security of the British Dominion on this Continent. Lastly, if this trade could be carried on with such a publick spirit and just regard to a national interest as appears to be absolutely necessary for maintaining what we have already got, the French, who cannot furnish those

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commodities compared with us either in quantity or value, could have no more hopes of diverting the Indians from trading with us, and consequently depending firmly upon us ; We should not then have the traders of New York jealous of and uneasie at the profits gained by the traders of Virginia, nor those again of the improvements which may possibly be made in Carolina : but every Colony would find a solid and certain advantage by an Union amongst them, according to their situation, power and ability to advance their trading settlements westward upon the Lakes and adjacent rivers, where these vast Nations of Indians would soon perceive by our united interest, power and traffick, that we were far preferable to our rivals the French, and every way much fitter to be chosen for their friends and allies. And in order to carry on this great design I humbly conceive it will be proper that a compleat body of Instructions be carefully composed to be sent to all the Governours on this Continent, where amongst other things it may be directed, vizt. (i) That in order to prevent the Indians being imposed upon and abused by loose and over-covetous persons trading promiscuously amongst them, which was the chief unhappy cause of the late destructive war in South Carolina, the Governour shall use his utmost endeavour, with the advice of the Council and Assembly, to put the Indian trade carried on by the inhabitants under such wholesome and just regulations as that the traders may not have it in their power to cheat or impose upon the Indians in any sort, without being made accountable for it under high penalties : Provided alwayes that no restriction shall be made to prohibit or interrupt any of H.M. subjects in other of his Colonies from trading as freely with any forreign Indians as the inhabitants of that Colony can or may do themselves, and in case they shall discover any abuses to have been committed upon any Indians whatsoever by any person or persons inhabitants in or belonging unto any other of H.M. Colonies, complaint shall forthwith be made to the Governour of that Colony whereunto the offender belongs, and he shall cause restitution to be made and justice to be done according to the nature of the offence. (ii) That all possible encouragement be given towards carrying on a fair trade with the Indian Nations, so that it may be extended as far westward upon the Lakes and Rivers behind the great Mountains as the situation and ability of the Colony will permit ; And when any proper place shall be discovered for

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the building of a Fort and settling a Garrison in order to protect the trade, a report thereof shall be made to your Lordships, with the circumstances and reasons that can be given for so doing. (iii) That the Governour shall with all his industry and might endeavour to make treaties and alliances of strict friendship with as many Indian Nations as possibly he can : always taking special care to stipulate and secure Peace not only between them and the Colonies under his direction, but also between them and all the English Colonies, and likeways with all the Indians under any league of friendship with any of the said Colonies. And that this may be the more effectually done H.M. may be pleased to direct and order in a more especial manner, by a publick Proclamation or otherways as shall seem meet, that all persons whatsoever travelling from the settlements of any of H.M. Colonies into the woods, in order to discover and trade with any Indian Nation or Nations whatsoever, if such persons shall happen accidentally to meet or encounter with any others H.M. subjects travelling from any other of his Colonies or settlements upon the same design of trade or discovery, then and in that case, such persons shall be obliged and are strictly commanded, under the highest pain of his Royal displeasure, to entreat one another with civil humanity and kindly assistance, without giving the one the other upon either part the least interruption or hindrance in their said respective designs of friendly intercourse and traffick with the Indians, but on the contrary, by their open and free behaviour as well as discourse, to convince the Indians as much as in them lies, that all the Indian subjects upon this Continent howsoever distinguished into Governments, yet are but one people under one great King, who has commanded them his subjects to take all opportunities of shewing his love and affection to all the Indian Nations, and that whichsoever of them will make any League of Friendship with any one of his Governments in these parts, are thereby entitled to H.M. protection. and the friendship as well as assistance of all the other Governments and the Indian Nations in alliance with any of them. (iv) That if any Indian Nation in League of Friendship with any of H.M. Colonies shall in breach thereof presume to make war upon, plunder, or in any sort molest any other Indian Nation who at the time shall be in friendship with, and under the protection of any other of H.M. Colonies : Then that Colony unto which such

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offensive Indians are bound by treaty shall use their utmost endeavours, by threatnings as well as promises, to oblige the said Indians to make reasonable satisfaction for their breach of faith, to the contentment of the party aggrieved ; And in case of meeting with any difficulty in bringing such Indians to reason, the Governour shall represent the same unto H.M. forthwith, in order to receive further direction therein. (v) To the end that all the Governours of H.M. Plantations on the Continent be each of them for their better direction particularly acquainted with the State of every other Government relating to the Indians, let every Governour be ordered, upon his making any alliance or treaty with any Indian Nation whatsoever, immediately to communicate the nature, import and date of such a treaty unto all his fellow Governours upon the Continent.

And such a correspondence and harmony being once established, the Trade might be easily secured and protected by erecting four small forts, viz. the first upon Lake Erie, near to the above-named Indians the Miamis. The second on Lake Ontario, near to the Iroquese. The third on the head or highest fountain of Potowmack River, which divides the Colonies of Virginia and Maryland. And the fourth towards the head of Susquehannah River which runs through Pensilvania unto the Bay of Cheaseapeak. The two first of these forts would not only secure all the Indians on this side Carolina to Cannada, which are settled to the eastward of the Lakes, but also open a trade with the above-mentioned great and numerous Nations to the westward, whose communication by water would render the traffiek easie. And because the distance between the English settlements in these Colonies and the Lakes is too great, without the refreshment as well as security of a middle stage or resting place, the other two forts would effectually answer that end unto all the traders belonging to any of the Colonies northward of Carolina. I humbly conceive that each fort will require a company or garrison of fifty men in the King's pay, to be under the direction and command of the Governours H.M. Commanders in Chief in the respective Colonies, viz. that upon Lake Erie to be under Virginia. That upon Lake Ontario under New York. That upon Potowmack under Maryland, and that upon Susquehannah under Pensilvania. To conclude, I cannot foresee anything which would interrupt the execution of this scheme, but the emulation in trade that is

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kept up amongst the English Colonies; for which reason it seems necessary that some method be projected whereby each Colony will be obliged to bear it's proportionable share of the expense which the Crown of Great Britain will be at in building forts westward amongst the Indians, and subsisting garrisons: for if this was done at the publick charge, equally for the protection of all, none would have any pretence to be particularly distinguished in their claim to this trade; and if Great Britain do not imitate the French in making their correspondence with the Indians a national concern, whereby the Government and maintenance of all forts and garrisons shall remain in the hands of the Crown, the success is very much to be doubted, from the variety of interruptions which we may continually expect to meet with amongst ourselves as well as from the French, who have but one interest principally in view, and steadily pursue it with great application. But from the little knowledge and experience which I have of the English American Colonies, I do not expect that this project, howsoever just in itself, will generally please, *etc.* Pennsylvania, 16th Feb., 1715.

P.S.—Lest it should at any time be represented to your Lordships, that in imitation of the French a Society may be incorporated, and a Company erected for carrying on the trade upon this Continent wt. the Indians, I must beg leave to observe that such a privilege or immunity would certainly become a very heavy burthen upon, and a great discouragement unto the planting as well as trading interest of every one and all of these Colonies, who from the taste they have of English liberty, are naturally averse to all monopolies, and ever will hardly be restrained by the maxims or example of a French Government. Besides, any such restriction upon the inhabitants of these Colonies, would altogether destroy the intent and design of the above scheme, which is founded upon reasoning after this manner, vizt., That under a good regulation of government, the relative advantages which subsist between any State and its Colonies abroad are reciprocal. For as the State has unquestionably a right, and most certainly ought to regulate the trade of its Colonies for publick advantage: so the Colonies have at least an equal if not preferable claim to the subsistence and smaller profits which arise from that trade, unto those who must be employed in carrying it on. That where any publick interest will be most effectually carried on

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by the united strength of many adjacent Colonies, such an Union ought carefully to be established with equality amongst them, and every thing tending to weaken or obstruct this Union is to be considered as prejudicial to the publick. That the Indian Nations upon this Continent are not to be gained otherways than by trade, and this trade cannot be managed to any purpose without the mutual assistance and concurrence of all the English Colonies: But from the different constitutions and particular interests of these Colonies such a regulation is not to be obtained without the authority of Great Britain *etc.* *Signed*, W. Keith. 28 pp. [C.O. 5, 1265. Nos. 124, 124 i.; and 5, 1293. pp. 181-203.]

Feb. 18. **62.** Council of Trade and Plantations to Lord Guilford. Whitehall. In pursuance of Feb. 6th, desire to know whether the Government of Maryland upon Mr. Hart's absence will not devolve upon the President of the Council there as is usual in all other Plantations, "in which case before we can advise H.M. to grant Mr. Hart a licence of absence it will be necessary that a security should be given here in behalf of the Presidt. for his observing and causing the several Acts of Trade and Navigation to be duly put in execution in Maryland" *etc.* [C.O. 5, 727. p. 488.]

Feb. 18. **63.** Col. Codrington to the Council of Trade and Plantations. *Returns thanks* for deferring the hearing of his petition (29th Aug., 1717.) *Concludes*:—Considering that in strictness of law I may not appear to have so good a title to the said lands [*in St. Christophers*] as I may presume to have from H.M. equitable and favourable consideration of the services and sufferings of those under whom I claime, and the irregularity of the proceedings in dispossessing the late Collo. Codrington of those lands; I shall not give your Lordships any further trouble herein, but pray you will please to represent the conduct and meritt of the late Collo. Codrington's the father and son and recommend me to H.M. favour in the purchase of the lands abovementioned in case H.M. shall not think fit to confirm the former grant. *Signed*, W. Codrington. *Endorsed*, Recd. 18th., Read 20th Feb., 1717. 1 p. [C.O. 152, 12. No. 128.]

Feb. 19. **64.** Mr. Popple to the Secretary of the Board of Ordnance. Whitehall. *Encloses* copy of only answer (Feb. 16) yet received to No. 59. "The Council of Trade and Plantations are apprehensive that freight will hardly be got cheaper" *etc.* [C.O. 195, 6. p. 489.]

[Feb. 19.] **65.** Dr. Wickham to the Council of Trade and Plantations. Prays that a day may be appointed for hearing the case of Col. Thomas Morris, the original papers of the proceedings against

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him in Antigua having now been laid before the Board, and Col. Codrington, who is "capable to acquaint the Board of his carecter" being now come to town. *Endorsed*, Reed. 19th., Read 20th Feb., 1715.  $\frac{3}{4}$  p. [C.O. 152, 12. No. 129.]

Feb. 20.  
Whitehall.

**66.** Mr. Popple to Mr. Bridger. *Acknowledges letters and refers to Representation of 6th Feb. Continues*: The Board desire you will continue to give them the best informations you can, particularly with regard to H.M. woods, *etc.*, and concerning any essays that may be made for raising hemp, making bar and rough iron or producing potashes; Their Lordships desire further that you will send them as soon as possible some account concerning the lands of Nova Scotia, whether there are any such as you may judge proper to be let apart for the service of the Crown, to supply the Navy with masts, whether that country is capable of producing any sort of Naval Stores, and that you will give your opinion upon the whole in what manner the country may be best laid out for the advantage of this Kingdom. [C.O. 5, 915. pp. 254, 255.]

Feb. 20.  
Whitehall.

**67.** *Same* to Mr. Armstrong. *Acknowledges letters etc.* of 27th Dec. The Board thank you for the same, and desire you will continue to give them the best informations you can from time to time of what may occur to you, relating to the production of Naval Stores in America, or any other matter that may tend to the interest and advantage of this Kingdom. [C.O. 5, 915. p. 256.]

Feb. 20.  
Bideford.

**68.** Mayor of Bideford to Mr. Popple. *Reply to Feb. 14th.* These difficult times, it was late before the merchants concluded to send any ships to Newfoundland *etc.* They offer to carry limestone at 10s. and culme at 20s. pr. tunn to Trapassey and St. Marys *etc.* The last years misfortunes of our ships in Spaine will lessen our outsetts on ye fishery this spring soe that wee shall not have halfe ye number of ships to the land this year *etc.* *Signed*, John Buck. *Endorsed*, Reed. 23rd., Read 24th Feb., 1715. *Addressed. Postmark.* 1 p. [C.O. 194, 6. No. 55.]

Feb. 20.  
Whitehall.

**69.** Council of Trade and Plantations to the Lords Commissioners of the Treasury. *Enclose* Office accounts from Lady day to Christmas. There was then a quarter's salary due to our Secretary and other officers *etc.* *Accounts annexed.* [C.O. 389, 37. pp. 157-160.]

Feb. 20.  
Whitehall.

**70.** Mr. Popple to Richard West. Enclloses for his opinion thereon the Act of New York *to repeal an Act to oblige Robt. Livingston to account etc.* [C.O. 5, 1124. p. 63.]



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Feb. 21. **71.** Mayor of Exeter to Mr. Popple. *Reply to 14th Feb.*  
Exon. The merchants and masters think those materials may be cheapest carried from Poole and Bithyford, *etc.* There are about 12 sayle bound for fishing voyages on ye bankes and mayne out of this river and Tingmouth but not one of them above 120 tons and every of them either sayles for France for salt or Ireland for provisions, or to fish on ye banks, or carry passingers and provisions *etc.* for them weh. fully loads the shippes *etc.* *Signed,* John Burell, Mayor. *Endorsed,* Reed. 23rd., Read 24th Feb., 17½. *Addressed. Postmark. ¾ p.* [C.O. 194, 6. No. 56.]
- Feb. 24. **72.** Mr. Burchett to Mr. Popple. The Lords Commrs.  
Admiralty of the Admiralty desire the Attorney General of Jamaica to be  
Office. instructed to sue the executors of Silvester Stukeley, late Agent for the Victualling Office, for monies due to them *etc.* *Signed,* J. Burchett. *Endorsed,* Reed. 24th., Read 25th Feb., 17½. *Addressed. 1 p.* [C.O. 137, 13. No. 23; and 138, 16. pp. 159, 160.]
- Feb. 25. **73.** Mr. Popple to the Secretary of the Board of Ordnance.  
Whitehall. Encloses copies of letters from Mayors of Biddeford and Exeter, 20th and 21st Feb. [C.O. 195, 6. p. 490.]
- Feb. 25. **74.** H.M. warrant appointing Francis Whitworth to  
St. James's. the office of Secretary of Barbados, surrendered by Joseph Micklethwaite. *Countersigned,* J. Craggs. *Copy.* [C.O. 324, 33. pp. 217-219.]
- Feb. 25. **75.** W. Nivine to Mr. Popple. Desires that Col. John Frye and William Parrot may attend the Board on Friday *etc.* *Signed,* Will. Nivine. *Endorsed,* Reed. Read 25th Feb. 17½. ¾ p. [C.O. 152, 12. No. 130.]
- Feb. 26. **76.** Lord Guilford to the Council of Trade and Plantations. *Reply to No. 62.* It not being certain which of the members may be living at the time of Mr. Hart's departure, *Proposes* that the first member of the Council of Maryland for the time being upon entering into the administration of the Government, give security there to observe the Acts of Trade and Navigation, to be transmitted here, in order for a new security to be entered into here on his behalf, if that given in Maryland shall not be thought to answer the end. *Signed,* Guilford. *Endorsed,* Reed. 26th Feb., Read 4th March, 17½. 1 p. [C.O. 5, 717. No. 75.]
- Feb. 27. **77.** Mr. West to the Council of Trade and Plantations. *Reply to 6th Feb.* I am of opinion the Act is very proper to be passed into a law *etc.* *Signed,* Richd. West. *Endorsed,* Reed. 26th Feb., Read 6th March, 17½. ¾ p. [C.O. 5, 1265. No. 116; and 5, 1293. p. 163.]

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Feb. 27. **78.** Mayor of Barnstaple to the Council of Trade and Plantations. *Reply to 14th Feb.* None of this port are bound to Placentia etc. *Signed*, Edward Fairechild. *Endorsed*, Recd. 2nd., Read 4th March, 17<sup>1</sup>/<sub>2</sub>. *Addressed*. *Postmark*.  $\frac{1}{2}$  p. [C.O. 194, 6. No. 57.]

Feb. 27. **79.** Lords Proprietors of Carolina to the Governor, Council and Assembly of South Carolina. We having receiv'd this day at our Board two several Addresses from the London merchants, relating to two Acts of Assembly that have been twelve months since pass'd in your Province of South Carolina (of which to our great surprize we have as yet receiv'd no account from you) and after we had heard the merchts. on both sides, we came to these resolutions vizt., That as H.M. has been pleas'd to issue out his orders to all his Governors in America not to pass any Act of Assembly concerning the trade or shipping of this Kingdom till his royal pleasure on that account be first known ; so we think it proper and we do hereby strictly command and require you our Governor and Council of South Carolina, for the future not to pass any Act of Assembly which may any ways affect the trade or shipping of this Kingdom, without a clause declaring the sd. Acts shall not be in force until they shall be first approved and confirm'd by us the Lords Proprietors. We think it highly unreasonable and unjust that in matters relating to trade, any difference or distinction shou'd be made between H.M. subjects residing in Great Britain and those that live in our Province of South Carolina, or that any greater duties should be impos'd on ships built in Great Britain than on ships built in Carolina ; Wherefore we the Lord Palatin and the rest of the Lords Proprs. do think it proper to repeal and make void, an Act of Assembly, entituled, *An additional Act to an Act, entituled an Act for laying an imposition on liquors goods and merchandizes etc.* We have receiv'd very grievous complaints from the merchts. against an Act entituled, *a further additional Act, to an Act entituled an Act for the better ordering and governing of negroes and all other slaves etc.*, and very great and pressing instances have been made to us to repeal that Act ; But upon the report of the danger the country might be in from the too great number of negro slaves ; we were unwilling to repeal the same ; but we do advise you our Govr. Council and Assembly, that if the country at present be in no real danger from the great number of negroes, that you wou'd repeal the said Act, and in lieu thereof you wou'd procure that an Act may be pass'd to oblige every planter etc. to have one white man for every ten negroes. *Signed*, Carteret, Palatin ; Maurice Ashley, J. Colleton, J. Danson. [C.O. 5, 290. pp. 132-135.]

Feb. 27. **80.** Petition of William Gordon, of Barbados, Clerk, to the Council of Trade and Plantations. The Committee for

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hearing appeals, complaints etc. from the Plantations have appointed the 6th March for determining a complaint of the Agents of Barbadoes touching the Bp. of London's Ecclesiastical jurisdiction and petitioner's character conduct and principles. *Desires* copies of some Minutes of Council and Assembly and other papers relating thereto. *Signed*, W. Gordon. *Endorsed*, Reed. Read 27th Feb., 1719. 1 p. [C.O. 28, 15. No. 44.]

Feb. 28. **81.** H.M. licence of leave for a further 12 months to Thomas St. James's. Talmach, Lt. Govr. of Montserrat, etc. *Countersigned*, J. Craggs. *Copy*. [C.O. 324, 33. p. 216.]

March 2. **82.** Board of Ordnance to Mr. Secretary Craggs. There Office of Ordnance. being money given for building a redoubt and barracks at Placentia etc. on the point of the Great Beach formerly made use of by the French fishermen, we desire H.M. orders may be given to the Governor to put our officer in possession of such part as shall be necessary, according to the draught approved of, with such storehouses as shall be wanting to secure the materials that shall be sent for building the said Fort, and that a guard be appointed, if necessary, to take care of the same etc. Some of the houses have been purchased from the French, wch. difficulty, if not thus removed, may putt a stop to our proceedings, etc. *Signed*, T. White, M. Richards, Tho. Frankland, John Armstrong. 1 p. [C.O. 217, 31. No. 19.]

March 2. **83.** Mr. Robertson to Mr. Popple. *Encloses* Minutes of Virginia. Council and Assembly and Addresses, in the absence of Lt. Governor Spotswood upon a journey in the northern parts of the Colony. A ship bound for London about the middle of this moneth will give the Lt. Governor an opportunity of doing that which he intended by this, and transmitting his answer to the Burgesses accusation etc. Seventeen countys have already addressed him *as below*, and except two or three at most all the rest will follow etc. Inclosed is a list of some plants and seeds wch. the Governor sends you by this ship etc. You will be better supplied when the proper season comes for gathering such seeds etc. I have it in command to assure you of anything else this country affords whenever you shal please to notify what tis you want. *Signed*, Wil. Robertson. *Endorsed*, Reed. 15th April, 1719. Read 15th June, 1720. 3 pp. *Enclosed*,

83. i. Addresses from the Counties of Virginia to Lt. Governor Spotswood, repudiating the charges of the Burgesses etc. *Duplicates of May 26, No. vii.* [C.O. 5, 1318, Nos. 74, 74, i.]

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March 3.  
Nassau on  
Providence.

84. Governor Rogers to [?Mr. Secretary Craggs.] The advice of the preparations of ye Spaniards to attack this place yt. I receiv'd on 6th Feb. has kept me continually employ'd to provide for their reception and made me write letters to all parts around us for assistance, but none of H.M. ships being near us, I fear they'l scarce be here time enough to helpe defend the place for weh. reason I spare no time nor cost to secure this place and if we survive a month longer I intend to send home Mr. Beauchamp ye Cap. Lieut. of my Indept. Company and one of the principal inhabitants to represent the state of this place, and in what manner it can be made most beneficial to the Crown of Great Britain and yt. H.M. may be truly apprised of ye difficultys and expence we have been at to support this Colony weh. I now hope to do against the attempts of ye Spaniards. I have heard nothing of ye pirates since my foregoing letter [2nd Feb.] and I hope they have took their course another way or that Justice has met wth. them. I also hope ye Gent. concern'd to improve this Colony will be reimbursed their extraordinary expence and yt. what I have done here will be approved by H.M. our Fort and guardship are both as well provided as possibly I can invent and all ye inhabitants promises to retire to me on ye first allarm weh. we soon expect. I can do no more and it's a great satisfaction to me yt. I have been able to do so much yt. ther's a probability we may repulse the enemy come when they will *etc.* Signed, Woodes Rogers. *Endorsed*, R. July 16th. 3 pp. *Enclosed*,

84. i. Governor Rogers to the Governors of Jamaica, Barbados. New York, Virginia "and all the Governors around us." Feb. 10th. 1719. Nassau on Providence. Capt John Dennis who was sent by the Governor and Council of Jamaica to ye Havana to demand the English prisoners there but was refus'd them and they are now kept at work on their fortifications: He toucht here in his way home purely to inform me the Spaniards was fitting out four large ships and ten sloopes and galleys to attack me wth. 2 or 3000 men. This gentleman run a great risque in attempting to give me ys. information, the Spanish Governr. ordering his vessels to take him in case he went to ye No'ward, and they have now 700 men or more fishing on the wracks, where they gett a great deale of silver, but these are to joyn them that are to attack us. I am assured if they have advice of a Peace, it will not hinder ym. from coming against me; for they insist on these Islands belonging to ye Crown of Spain. I believe it will be near a month or more before they can be here. I beg your interest to procure men of war from your place and all assistance you can spare us. I am now despatching sloops to all

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parts around to crave ye like assistance. I have provided pilots at Harbour Island yt. ye ships of war may call there in their way hither for them. *Signed*, W. R. *Copy*. 2 $\frac{1}{4}$  pp. [C.O. 23, 13. ff. 36r.—39r.]

March 3. **85.** Agents of Barbados to Mr. Popple. *Desire* copy of report and papers relating to the setting up of an Ecclesiastical Court at Barbados etc. *Signed*, Jo. Micklethwait, John Lloyd, George Bampfild. *Endorsed*, Reed. Read 4th March, 17 $\frac{1}{2}$ . 1 p. [C.O. 28, 15. No. 45.]

March 4. **86.** Council of Trade and Plantations to the King. *Reply* to Feb. 6th. We have no objection etc., provided the person who shall take upon him the Governmt. during the absence of Mr. Hart do give security in £2000, as usual, etc. cf. Feb. 18. [C.O. 5, 727. p. 489.]

March 5. **87.** Mr. Popple to the Secretary of the Board of Ordnance. *Whitehall.* Encloses copy of 27th Feb. [C.O. 195, 6. p. 490.]

March 5. **88.** Mr. Solicitor General to the Council of Trade and Plantations. *Reply* to 14th Nov., 1718. I have considered the tryal of the pirates before Governor Shute etc., and I conceive they had authority to hold that Court etc., for that the proclamation of the first of King George did continue the Commission to try pirates which was granted in the third year of the Queen, that Commission being subsisting at the time of the said proclamation. This matter depends on the construction of the Act in the sixth of Queen Anne ch. vii., which enacts the continuance of the Sessions of Parliament which should happen to be precedent to the demise of the Queen (if adjourned or prorogued at that time) as it seems by the whole tenor of the clauses in that Act which relate to that matter, the consequence of which is that the piracy Act did not expire till after the 22nd Nov., 1714, which is the date of the proclamation, so that then the Commission by virtue of the piracy Act was subsisting and capable to be continued by that proclamation. But if the words of the above-mentioned Act are not thought sufficiently cleare in this point I should think a short clause to indempnifye all who acted under that or any such Commission and also a continuance of them on any such emergency till alter'd by the Successor would not be difficult to be obtained. *Signed*, Wm. Thomson. *Endorsed*, Reed. 6th March. Read 2nd April, 1719. 1 $\frac{1}{2}$  pp. [C.O. 5, 867. No. 35; and 5, 915. pp. 265, 266.]

March 5. **89.** Council of Trade and Plantations to Governor Sir N. *Whitehall.* Lawes. Enclose copy of Mr. Burchett's letter, 24th Feb., with directions accordingly. [C.O. 138, 16. pp. 160, 161.]

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March 5. **90.** Mr. Popple to Mr. Burchett. Informs him of preceding.  
Whitehall. [C.O. 138, 16. pp. 161, 162.]

March 5. **91.** Mr. Solicitor General to the Council of Trade and Plantations. *Reply to Dec., 10, 1718.* I have consider'd the bill to *naturalize Jacob Arents etc.*, and as such naturalization cann have the effect to give them a right to enjoy the privileges of natural born subjects *in that province only* I don't see any objection to the passing this Act since the Assembly there think them proper objects of that favour. *Set out,* N. J. Arch. 1st Ser. iv. 382. *Signed,* Wm. Thomson. *Endorsed,* Reed. 6th March. Read 2nd April, 1719.  $\frac{3}{4}$  p. [C.O. 5, 971. No. 79; and 5, 995. p. 453.]

March 5. **92.** Mr. Solicitor General to the Council of Trade and Plantations. *Reply to Nov. 19, 1718.* (i) The powers the Governor of Virginia has already are to adjourne prorogue and dissolve. These words are general and must be understood as those powers are executed by H.M. in England. But as the inconvenience mentioned by the Governour may be greate in that country for want of a power to prorogue during an interval it may be supplied by instructions for that purpose from H.M. or by an Act of the Assembly there. (ii) I don't apprehend that the Act entitled (Ministers to be inducted) has taken away that power and right vested by H.M. in the Governour to collate to such benefiees. The words of the Act are only that he be requested to induct a Minister where the parish recommend him and the Kings right cannot be taken away by any such words. The King has the ecclesiasticall jurisdiction in him over the Plantations and if he has not parted with it to the Bishop of London in this particular (as it seems he has not) the Governour by the authority transferr'd to him may exercise this right and I conceive the Vestrys have no pretentions to it by that Act or any other way. *Signed,* Wm. Thomson. *Endorsed,* Reed. 6th March. Read 21st April, 1719.  $1\frac{1}{2}$  pp. [C.O. 5, 1318. No. 60.]

March 6.  
Whitehall.

**93.** Mr. Popple to Mr. Carkesse. *Encloses* a parcel of Acts passed in the Massachusetts Bay, May, 1718. The Council of Trade and Plantations desire the opinion of the Commrs. of Customs upon that for *granting unto H.M. several rates and duties of impost and tonnage of shipping, etc.* [C.O. 5, 915. p. 261.]

March 6.

**94.** Mr. West to the Council of Trade and Plantations. Report upon Acts of Pennsylvania *referred* 16th Jan. *Signed,* Richd. West. *Endorsed,* Reed. Read 6th March, 171 $\frac{8}{9}$ .  $5\frac{1}{4}$  pp. [C.O. 5, 1265. No. 117.]

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March 7. **95.** Order of the House of Lords, that the Council of Trade and Plantations lay before the House an acct. of what has pass'd before them in relation to a clause in the bill *against clandestine running of uncustom'd goods etc.*, about the præmium for importing pitch and tar etc. *Signed*, Wm. Cowper, Cler. Parliamentor. *Endorsed*, Reed. 9th., Read 10th March, 17 $\frac{1}{2}$ §. *Copy.*  $\frac{3}{4}$  p. [C.O. 323, 7. No. 149; and 324, 10. p. 238.]

March 9.  
Whitehall.

**96.** Mr. Popple to Sir E. Northey, late Attorney General. The Council of Trade and Plantations having under consideration some matters relating to the jurisdiction of the Admiralty Courts in the Plantations, desire you will inform them what judgment was made in the cause referred to in your report of 21st Aug., 1702. (v. C.S.P. 1702. No. 889.) [C.O. 324, 10. pp. 235, 236.]

March 9.  
Whitehall.

**97.** *Same* to Mr. Burchett. Desires a copy of the Instructions given to Governors with their Commissions as Vice-Admirals. [C.O. 324, 10. p. 237.]

March 10.  
Admiralty  
Office.

**98.** Mr. Burchett to Mr. Popple. *Reply to preceding.* Will transmit a translated copy of commission to the Governor of Barbados, as Vice-Admiral. *Concludes:* My Lords Commissioners of the Admiralty give no other instructions to any Vice Admirals. *Signed*, J. Burchett. *Endorsed*, Reed. 11th., Read 18th March, 17 $\frac{1}{2}$ §. *Addressed.* 1 p. [C.O. 323, 7. No. 153; and 324, 10. pp. 241, 242.]

[March 10]

**99.** Copy of a clause for regulating the standard of pitch and tar in a bill sent up from the House of Commons *against clandestine running of uncustom'd goods etc.* *Endorsed*, Reed. (from the Parliament Office), Read 10th March, 17 $\frac{1}{2}$ §. 3 pp. [C.O. 323, 7. No. 150.]

March 10.  
Whitehall.

**100.** Mr. Popple to the Secretary of the Navy Office. The Council of Trade and Plantations desire an account of the pitch, tar and turpentine that have been bought by the Navy 1713-1717, and that some of the Commissioners of the Navy would discourse with them, on Thursday *etc.* [C.O. 324, 10. pp. 239, 240.]

March 11.  
Navy Office.

**101.** Mr. Percival to Mr. Popple. *Encloses account in reply to preceding.* An express was immediately sent to the Surveyor of the Navy at Portsmouth to come up and attend the Lords of Trade to-morrow *etc.* *Signed*, J. Percivall. *Endorsed*, Reed. 11th., Read 12th March, 17 $\frac{1}{2}$ §. *Addressed.*  $\frac{3}{4}$  p. *Enclosed*,

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101. i. Account of tar, pitch and turpentine imported from the Plantations and bought for the service of H.M. Navy, 1713-1717. Tar, 1715, 665 barls., 1717, 3773 barls. Pitch, 1715, 715 barls., 1716, 75 barls., 1717, 1608 barls. Turpentine, None.  $\frac{1}{2}$  p. [C.O. 323, 7. Nos. 151, 151.i.; and (without enclosure) 324, 10. pp. 240, 241.]

March 11. 102. Governor Philipps to the Council of Trade and Plantations. *Encloses following* despatches from Annapolis Royall. *Continues*: I had the good fortune to touch upon the same matters (v. 21st. Feb. 1718) *etc.*, and am now more fully convinced of the importance thereof. And therefore doe earnestly entreat your Ldships to represent anew the necessity of haveing the limitts settled between the French and us according to the late Treaties. And theire traffick with H.M. subjects (so much to our prejudice) prevented. And ye fishery protected from theire eneroachments. Which cannot be done without a man of warr on that station, which should sayle from hence in Aprill next. The necessity of this will farther appeare, when yor. Ldships will give me leave to wayte on you *etc.* The neglect of cultivating a friendship with the natives will prove (I feare) matter of greater moment than has been apprehended *etc.* The French spare no pains and take the proper methods to estrange them from us *etc.* Your Lordships' former report lying undetermined, I must pray your Lordship to mention the dispatch of it that I may be enabled to goe over early and serve the Govt. and my country *etc.* Signed, R. Philips. *Endorsed*, Recd. 12th., Read 17th March, 1719. 2 $\frac{3}{4}$  pp. *Enclosed*,

102. i. Lt. Governor Doucett to the Council of Trade and Plantations. Annapolis Royall, Nov. 15, 1718. Vessels from Cape Britton, spring and fall come to Minis which is about 20 leagues higher in the Bay of Fundy then wee are, and the greatest settlement for the growth of corn att present in this Colony. The French from Cape Britton bring wine, brandy and linnings which they can afford fourpence and sixpence in a yard cheaper then our traders can possibly doe, and take from thence nothing but wheat and cattle which they kill there and salt up, and from Chigneeto which is 20 leagues higher in the Bay then Minis. They drive cattle over to Bay Vert and from thence transport them, which is not only a great detriment to our trader's who can't sell their good's but will raise the price of provisions and impoverish the Collony, or att least make it of more benifitt to France, then to us if not hinder'd, who likewise carry all the small furs they can out of the country which they gett in great quantitys. The French inhabitants



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who are settled up and down in the Colony haveing the sole trade with the Indians, and what our trader's gett is intirely from the French, the Indians now seldome coming near us, and who have allmost to a man been att Cape Britton this sumer, and as they give out for present's they expected there *etc.* I humbly offer my opinion that, if your Lordships can't find some method to send presents to the Indians, they will be intirely estranged to us, and be allways ready to obstruct us in any undertakeing for the good of this Colony and H.M. subjects, and I think there can be nothing done better then weaning the Indians from the interest of the French, which can be by nothing, but greater advantages reap'd from us, then they can from them, allso that there might be a ship or some sloops on this station to prevent the French from their clandestine and unlawfull traffick they now carry on, there being att this time two sloopes sail'd from Minis wth. severall hundred bushells of wheat, and severall head of cattle to Cape Britton, the owners of which were so insolent to tell our traders that came in there wth. their cargoes, that they had nothing to doe there, and that they would be both there again in the spring for more wheat, which is so true that the inhabitants of Minis are dayly thrashing their corn to gett their loading ready att their return. But if I can prevent them from carrying it off, I will, and hope if I can catch such vessels it will not be construed that I take upon me to do more then I ought, it being for H.M. service and good of this Colony *etc.* Acknowledges patent to pardon pirates *etc.* Signed, John Doucett. 2 pp. [C.O. 217, 2. Nos. 59, 59. i. ; and 218, 1. pp. 383-388.]

- March 11. **103.** Governor Hamilton to the Council of Trade and Antigua. Plantations. *Encloses* two Acts of Montserrat, "the one for not levying executions but at certain times of the year, the reason for their so limitting the time is because no sugars are made, or at least seldom after August, and hardly ever any of the new cured before the first of March, and I take it is to prevent any froward or severe creditor to levy (at those times when probably the debtor may not have any of the produce or growth of the country at command) upon any of the slaves and so bring them immediately to sale, which some times might prove the utter ruine of the Planter, for land in these parts is little worth without the slaves that are upon it to manure the same. The other is for the raising of a tax for paying part of the publick debts and defraying the contingent charges of the Island, here the several Ministers are paid out of the publick Treasury, and not from

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the particular parishes as in the other Islands, as for their assessing or laying a tax upon the houses and particular trading persons; it is what they alledge has been always customary in that Island and is only on resident traders; here I must observe that before my coming to my Government, Lieutenant General Mathew the then Commander in Chief past an Act for settling the duty on all liquors imported, as well as licences for tavern keepers, upon the Lieutenant Governour, as your Lordships will perceive at large by copy of said Act inclosed which the said Lieutenant Governour has signified by letter to his Agents that H.M. has been pleased to confirm the afore-said Act, which was the only branch that brought ready money into the Treasury, and which by colour of entertaining the General has been received ever since by the Agents of Thomas Talmash Esqr. the present Lieutenant Governour altho' he has never been at his post since my being at the head of the Government, or at any expence that I know of, nor have I had ever so much as a letter from him, neither do I know whether he is alive and continued in his Commission or not, all which I humbly beg your Lordships will be pleased to signify to me by first opportunity. These two Acts should have been transmitted sooner, but were not sent back to me after my having assented to them, and sent them to the President of the Council of that Island to be published and registered, till in January last, and since, no vessells have offered for Brittain, so I hope your Lordships will not impute it as a remissness in me," *etc.* Signed, W. Hamilton. *Endorsed*, Read 15th May. Read 16th Sept., 1719.  $1\frac{3}{4}$  pp. *Enclosed*.

103. i. Deposition of Thomas Farrin. mariner. 20th March, 1718. On a voyage to South Carolina deponent with Capt. Brown was taken by the pirate William Moody *etc.* *Confirms* Dec. 19, 1718. No. 1, q. v. *Same endorsement.* 2 pp. [C.O. 152, 12. Nos. 151, 151. i.]

March  $\frac{1}{2}$ . 104. Commandant Vanderheyden Rézen to the Directors of the Dutch West India Co. *With enclosures.* Signed, P. Vanderheyden Rézen. *Endorsed*, Read 8th June, 1719. *Dutch. Addressed.* 1 p. [C.O. 116, 22. Nos. 2, 2, i. ff.]

March 12. 105. Lords Proprietors of Carolina to Governor Johnson. St. James's. We receiv'd letters from you and our Council of South Carolina, dated 12th Dec., 1718, wherein you give us the good news of Col. Rhett's taking Major Bonnet and his crew at Cape Feare, and of your second successfull expedition when you took Morley and Company, and wherein you yourself commanded in person and had several, as we are inform'd of the Council and other Gentlemen of the Country volunteers; we can't but commend your conduct in this affair, and your judgment in commanding in person which was certainly a very great encouragement to

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so many volunteers ; We return you, and the Gentlemen under your command our thanks for this action, and we doubt not but the whole Province will gratefully acknowledge the service you have done the publick in destroying so many pirates. The bounty money given upon pitch and tar having been ill represented to the Parliament by some of the East Country merchants, we can't sufficiently recommend it to you, that care may be taken that what pitch and tar shall for the future be exported from our Province may be very good and merchantable, lest the bounty money shou'd be lost, which was given formerly upon that accot. We are inform'd that several persons enter upon such of our lands, as are not yet set out, and gather up great quantities of light wood and cut down several woods and do other damages upon the land, wch. may be a hindrance to others who may come to settle there. We therefore desire you our Governor to use your endeavours to prevent such practice upon our lands for the future. We are inform'd by merchts. that several iron mines have been found in our Province. We desire you to give us an account of them, the nature of them and what quantity, and where they lye. We desire you to give directions to Secretary Hart that your Acts of Assembly may be constantly transmitted to us within six months after they are pass'd for we expect your exact compliance to the fourth article of your Instructions, *etc.* *Signed*, Carteret, Palatin. Ja. Bertie for D. of B[eaufort], M. Ashley, J. Colleton, J. Danson. [C.O. 5, 290. pp. 127-129.]

[March 12] **106.** *Same* to Col. Rhet. Return thanks for successful undertaking against pirates *etc. as in preceding. Continue* :— But at the same time we must tell you, we think you highly in the wrong in that you did not go with our Governor upon the second Expedition : But we hope the success the Province has had already agst. the pirates has put a stop to their boasted resolutions and will prevent them at least from undertaking any publick action against the Province. We (*following page blank. No signatures.*) [C.O. 5, 290. p. 129.]

March 12. **107.** Account of pitch and tar imported and re-exported, Custom House. 1716, 1717. *Signed*, J. Oxenford. *Endorsed*, Recd. Read 12th March, 1718. 1 p. [C.O. 323, 7. No. 152.]

March 13. **108.** Account of pitch and tar imported and re-exported, Custom House. 1718. *Signed*, B. Martin. *Endorsed*, Recd. Read 18th March, 1718. 1 p. [C.O. 323, 7. No. 155.]

March 14. **109.** Mr. Burchett to Mr. Popple. Encloses following. Admiralty Office. *Signed*, J. Burchett. *Endorsed*, Recd. 14th., Read 18th March, 1718. 1/3rd p. *Enclosed*,

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109. i. Translation of Commission of Vice Admiralty given to the Governor of Barbados, 12th Feb., 1714.  $8\frac{3}{4}$  pp. [C.O. 323, 7. Nos. 154, 154. i.; and (without enclosure) 324, 10. p. 242.]

[March 14]

110. John Linthorn to H.M. Privy Council. Sends a copy of his journal as Admiral at Placentia. May-Sept. 1718, Ships, of war, 1; of merchants, 7; briganteens, etc, 6. 11 stages, 200 men employed. 10 trainfats. 34 boats. 4000 qls. fish exported. *Signed*, Jno. Linthorn, Admll. *Endorsed*, Recd. (from the Council Office) 14th, Read 20th March, 17 $\frac{1}{2}$ . *Addressed*. *Seal*. *Postmark*.  $\frac{1}{2}$  p. [C.O. 194, 6. No. 58; and (with incorrect address and signature) 195, 6. p. 491.]

March 14.

Custom  
House,  
London.

111. Mr. Carkesse to Mr. Popple. In reply to 6th March, encloses following. *Signed*, Cha. Carkesse. *Endorsed*, Recd. 14th., Read 17th March, 17 $\frac{1}{2}$ . 1 p. *Enclosed*,

111. i. Observations of H.M. Commissioners of Customs upon an Act of the Massachusetts Bay for granting to H.M. several rates and duties of impost and tunnage, etc. 2 pp. See A.P.C. II. No. 1315. [C.O. 5, 867. Nos. 34, 34. i.; and 5, 915. pp. 261-263.]

March 15.

St. James's.

112. Order of King in Council. Referring to the Committee for hearing appeals and complaints from the Plantations the enclosed petition and the complaint of the Agents of Barbados against Rev. W. Gordon, with the Report of the Council of Trade and Plantations thereon etc. *Signed*, Edward Southwell. *Endorsed*, Recd. Read 20th March, 17 $\frac{1}{2}$ . 1 $\frac{1}{2}$  pp. *Enclosed*,

112. i. Petition of William Gordon, clerk, Rector of the parish of St. Michael, Barbados, to the King. Refers to above complaint and report (v. Aug. 1717). Petitioner showed Governor Lowther his answer to that complaint, but the Governor thereupon became his implacable enemy. Petitioner came home in Sept. last to defend himself, but the Agents decline to prosecute their complaints against him. The matter being referred to the Committee of Appeals, 12th March, upon petitioner's application, they dismissed it, in regard that the petition of the Agents and the report of the Board of Trade were not before them. Prays for speedy determination and order as above. *Copy*. 1 $\frac{1}{2}$  pp. [C.O. 28, 15. Nos. 47, 47. i.]

March 15.

St. James's.

113. Order of King in Council. Appointing Stephen Duport, Charles Pain, John Garnet and William Makdowell to the Council of St. Christophers (v. 23rd Jan.) *Signed*, Ja. Vernon. *Endorsed*, Recd. 8th., Read 9th April, 1719. 1 p. [C.O. 152, 12. No. 131.]

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- March 15.** **114.** H.M. Warrant for appointing Stephen Duport to the Council of St. Christophers *etc.* *Countersigned*, J. Craggs. *Copy.* [C.O. 324, 33. p. 219.]  
St. James's.
- March 16.** **115.** H.M. Warrant appointing Charles Paine to the Council of St. Christophers. *Countersigned*, J. Craggs. *Copy.* [C.O. 324, 33. p. 220.]  
St. James's.
- March 17.** **116.** H.M. Warrant appointing John Garnet to the Council of St. Christophers. *Countersigned*, J. Craggs. *Copy.* [C.O. 324, 33. p. 220.]  
St. James's.
- March 17.** **117.** Sir A. Cairnes to Mr. Popple. Reminds him of his Memorial *etc.* (v. 21st July, 1718). *Signed*, Alex. Cairnes. *Endorsed*, Recd. 17th., Read 18th March, 1719. *Holograph.*  $\frac{3}{4}$  p. [C.O. 217, 2. No. 60.]
- March 18.** **118.** H.M. Warrant appointing William Mackdowell to the Council of St. Christophers. *Countersigned*, J. Craggs. *Copy.* [C.O. 324, 33. p. 220.]  
St. James's.
- March 18.** **119.** Mr. Popple to Mr. West. *Encloses* charter of Pennsylvania. The Council of Trade and Plantations desires your opinion, whether by that Charter the Government of Pennsylvania can re-enact laws that have been repealed here, which is a thing frequently done in the Proprietary and Charter Governmts. to the great detriment of H.M. subjects of this Kingdom, and the Plantations under H.M. immediate Governmt. By the Charter the Proprietor has five years allowed for transmitting and delivering such laws as shall be made in that Province to the Privy Council for the time being. But the Crown has but six months allowed after such receipt for repealing any of the said laws. Their Lordps. desire to know, whether the time of delivery of any laws to them will come within the said six months, wherein the pleasure of the Crown is according to the said Charter to be declared, or, whether the said time is to commence when such laws shall be laid before H.M. with the representn. of the Board thereupon. [C.O. 5, 1293. p. 164.]  
Whitehall.
- March 18.** **120.** Council of Trade and Plantations to Mr. Secretary Craggs. *Reply* to 9th Dec. *Enclose* extracts of letters from Capt. Smart (13th Feb.) and Governor Shute (26th June, 1718), whereby it does appear that Capt. Smart was sent by the Govr. of New England to dislodge the French that had built some huts and carryed on a fishery on the coast of Nova Scotia which is contrary to the Treaty of Neutrality in America and to the Treaty of Utrecht; wherefore we are of opinion that such attempts should be discouraged as much as possible for the future, least they should set up a claim of right contrary to the above-mentioned treaties. [C.O. 5, 915. pp. 263, 264.]  
Whitehall.

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March 19. **121.** Order of King in Council. Approving of Representation of 4th March, and granting leave to Lt. Govr. Hart accordingly. The first member of the Council of Maryland to take upon him the administration and provide security as proposed. *Signed*, Ja. Vernon. *Endorsed*, Reed. Read 2nd April, 1719.  $1\frac{1}{2}$  pp. [C.O. 5, 717. No. 76.]

[March 19] **122.** Duplicate of 1st part of No. 137 v. q. v. *Endorsed*, Reed. (from Col. Philips), Read 19th March, 1719.  $2\frac{3}{4}$  pp. [C.O. 217, 2. No. 61.]

March 19. **123.** Council of Trade and Plantations to the King. *Representation upon* suspension of Col. Thomas Morris from the Council of Antigua. There is but one positive deposition produc'd against Colo. Morris, the other depositions being only on hearsay, and not agreeing perfectly with each other, nor with the said positive deposition, whereas several persons of credit who were in company with Colo. Morris at the time it is alledged the words (v. Feb. 8, 1718) were spoken do testify on oath that they neither heard such words nor believe they were spoken by the said Colo. Morris. It likewise appear'd that the said Morris's witnesses were not admitted to be examin'd in Council before he was suspended; and as nothing has been offer'd to give us the least distrust of Colo. Morris's affection to your Majesty's person and Government, he having been a Member of the Council of Antigua ever since the year 1703, we are humbly of opinion that your Majesty may be graciously pleas'd to restore him to his place *etc.* [C.O. 153, 13. pp. 392-394.]

[March 19] **125.** Bishop of London to the Council of Trade and Plantations. Reasons why the Lord Bishop of London does conceive that the letter from the Board relating to an ecclesiastical Court attempted to be erected in Barbados, is an unfair report (i) Whereas the report contains at large that part of the Commission to the Commissary which tends to load him with blame, it makes no mention of the restrictive clause in the sd. Commission, whereby it is rendered entirely agreeable to the Governours Instructions, wch. require him to give all countenance and encouragement to the exercise of the Bishop of London's jurisdiction in that Island as far as conveniently may be. The clause in the Commission correspondent to this, is, *concedimus tibi potestatem omnia et singula faciendi circa præmissa, quæ de jure uel consuetudine fieri possint, aut debeant.* Had these words been quoted, I could not possibly have incurr'd any blame. (ii) It will not be enough to say that a copy of the Commission was transmitted to H.M. together with the report, for since the clause laid to my charge was inserted in the report, what I told this Board, and shew'd upon the face

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of the Commission in my justification ought to have been inserted also. And then H.M. and his Ministers would have had the whole before them, and no occasion been given for the disadvantageous opinions that have been conceiv'd upon this matter. (ii) The observation made in the Report that by the Commission the Clergy are reserv'd to the Bishop's own censure, but the Laity absolutely delivered up to the discretion of the Commissary, cannot be justified, for the Clergy are subject to all censures a Commissary can inflict, and nothing reserv'd to the Bishop but the ease of deprivation, or deposition, which no Commissary was ever trusted with. On the other hand the Laity by the restraining clause are left to the discretion of the Governor, who may subject them to Ecclesiastical censure, or exempt them from it. It seems surely very reasonable that enormous immoralities in the Laity should, one way or another, be corrected and restrain'd, but the Commission cannot be understood to extend to them, unless the Governor think it convenient. (iii.) The article concerning Mr. Acourt has a very wrong turn given it. It says he was a lunatick, which wou'd ordinarily be understood that he was so, when sent, the rather because it is added, as my conditional recommendation, that in case he shou'd have recovered his senses, the Govr. wou'd employ him. What I said at the Board was, that Acourt having been at Barbadoes several years before, had the misfortune to fall mad there, and being brought to England, he recover'd his senses perfectly well, in the opinion of his physician. Whereupon at his earnest request, I sent him back to his wife and children, and desir'd the Governor that in case he *continued* so well as he was here, he wou'd employ him. (iv.) How it comes to pass that the people in Barbadoes are so extreanly uneasie under Mr. Gordon's authority, I cannot conceive, for he assures me he never once exercised it. As to his character, he will now have an occasion to vindicate himself *etc.* *Endorsed, Recd.* (from Ld. Bp. of London), Read 19th March, 1715. 2½ pp. [C.O. 28, 15. No. 46; and 29, 13. pp. 500-503.]

[March 21]  
Antigua.

126. Governor Hamilton to the Council of Trade and Plantations. By this opportunity I have sent severall Acts to William Nevine Esq. Agent for this Island in order to be delivered to your Lordships, a list of which, with my observations on each of them, I herewith send, and hope they may answer your Lordships' directions in that particular. I have also by this opportunity sent the Agent the Minutes of the Council and Assembly for Antigua and only the Minutes of the Council for Nevis and Saint Christophers not having received those of the Assembly, according to the inclosed list which will be delivered to your Lordship with the Acts; But those of Mountserrat are not yet come to hand,

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however I very speedily expect them. *P.S. (Autograph).* Just now I received the copys of the Acts for the Island of St. Christophers which I also send, those for this Island and Mountseratt are not as yett finish'd. *Signed, W. Hamilton.* *Endorsed, Recd. 17th., Read 23rd Junc, 1719. 1 p. Enclosed,*  
 126. i. List of (4) Acts passed in Antigua. *For titles, see*  
*June 24. Same endorsement. 1 p.*

126. ii. List of Acts, as preceding, with Governor Hamilton's observations upon them. (1) Act *declaring qualifications of voters etc.* The abuses complained of in the Act will be sufficient to show how necessary it is. (ii) Act *for establishing Courts etc.* This Act is of the utmost consequence to H.M. subjects of Great Britain and others trading to this Island most other Acts of this kind were so very defective in the executive parts thereof that it was impossible almost for anyone to gett the full value of his debt; in regard the defendant not only had liberty to shew what effects he pleased, but even to have them appraised from whence it followed, that he generally shewed some barren spott of land, or something else that could be of little or no benefitt to the plaintiff who was obliged to take the same at the appraisement, which frequently exceeded the true values thereof by one third, and tho' it may still be an objection to the present Act in regard it directs sugar and other growth of the country to be appraised, yet the creditor will be farr less detrimented by having those commodities over rated than the other particulars, because they are not only fitt for other markets butt are easily transported, and indeed are what all traders expect in payment for the goods they sell; their being no such thing almost in the Island as the species of cash: The difficultys that have been raised, and the arts that have been used to obstruct the passing of this law are more than can be imagined, and tho' it may not be so effectuell in every particular as I could wish yet it is the best that they can be prevailed with to make, and if this should be rejected I dispaire of ever getting so just a one again made, for this was carryed in the Assembly singly by the Speakers voice which would not have done neither had not one of the Gentlemn. that were against the Bill been absent when it was last read, from whence I must observe that if this Act should not be thought fitt to receive the Royall assent that it will be proper to gett the Parliament of Great Britain to make a law in order to ascertain the manner of recovering debts in these Islands, the former methods of appraisement being



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most shamefull and scandalous. (iii) *Act to quiet present possessors of lands etc.* A Bill of this nature has been already laid before their Lordships *etc.*, the objections to which 'tis hoped are avoided in the present Bill. (iv) *Act for raising £5000 etc.* The objections made by their Lordships to the rest of our tax bills have occasioned some disputes between the Assembly and myself about a clause contained in the present Act relating to the method of issuing the publick money's as may appear by the Minutes herewith sent: But as H.M. Council were of opinion that the said clause was not contrary to my Instructions, I thought it more for the service of H.M. to pass the said Act with that clause in it than to lett the countrys debts go unpaid, and the Island remain in her present defenceless condition which must have been the consequence of my not agreeing to the said clause as may appear by the message which I received from the Assembly immediately before my passing the Bill, so that if their Lordships think the said clause to be inconsistant with my Instructions, I must begg they will signifye the same to me by the first conveyance, and I will take care to avoid consenting to the like for the future. But then there is no hopes of getting the Assembly to raise taxes so that if H.M. affairs, or the circumstance of the country should be ever so urgent, it will be impossible to gett anything done for want of money *etc.* *Asks* what measures he must take in case of necessity, if the said clause should be thought inconvenient and the Assembly should insist thereon. The reasons which I have heard from many of them for their being so tenacious about it, is to prevent a misapplication of the money, which they alledg cannot otherwise be done if a Governor was ill disposed, for tho he is not to issue any orders for payment of publick monys without the advice of the Council yet that will be but a small curb on him, for if those gentlemen who are members of that Board should oppose him in his measures he could soon gett ridd of them by suspending them, and appointing others that would be agreeable to his own inclinations by which means he could not fail to carry his point whenever he saw convenient to exert himself: To which I answered that the justice of H.M. was so conspicuous that they had not reason to dread but such a Governour would be recalled and severly punished, and therefore there was not the least room to fear such violent methods from any whom H.M. should be pleased to honour with his Commission;

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in reply to which they alledge that the difficultys which attend complaints against Governors are so very discouraging that they had better submitt than to attempt the same, for besides the charge that must attend prosecutions of that nature, the complainants make themselves obnoxious to the said Governour, and even after all there is no hopes of getting the mony refunded that has been misapply'd, especially if he happens to be an indigent person. To prevent which inconvenieney they seem resolved never to raise any mony if they are not permitted to inspect and approve the accounts before orders are issued for payment thereof which as it may be of fatall consequence hereafter to the security and defence of the Colony to have any further disputes upon that subject, so I have now taken the liberty to represent at large the objections that have been made thereon, and hope their Lordships will believe I have nothing thereby in view, but the setting the matter in a true light to the end they may be the better enabled to direct what is proper to be done therein for the future.

*Same endorsement.* 4½ pp.

126. iii. List of Minutes of Councils and Assemblies of the Leeward Islands sent to William Nivine. *Same endorsement.* 1 p.

126. iv. Copy of Minutes of Council and Assembly of Antigua, March 10th, 16th, referred to in No. ii. *Same endorsement.* 3 pp. [C.O. 152, 12. Nos. 140, 140. i-iv.]

March 24. **127.** Charles Hedges to Mr. Popple. *Refers to Minutes of*  
 Antigua. *Councils and Assemblies, 4 Acts of Antigua "and a bound book containing the Acts of St. Christophers," dispatched by Governor Hamilton (21st March). Continues:* The several Acts that have been past in this Island, I must confess are not yet prepared by me pursuant to an order by H.E.; several of them especially those past in the infancy of the Island being so confused that 'tis next to an impossibility to make a just collection of them in such a manner as their Lordships might expect. You will perceive Sir in the Minutes of the 10th of June last that H.E. recommended the same *etc.* to which the Assembly unanimously concurred, and Committees were accordingly prepared to make a Collection of all such laws as they should think necessary to be printed of which they were to make a report which is not yet done *etc.* *Hopes that* he will therefore not be thought remiss in his duty. *Signed,* Cha. Hedges. *Endorsed,* Recd. 3rd June, Read 16th Sept., 1719. *Addressed. Postmark.* 1¼ pp. [C.O. 152, 12. No. 150.]

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March 24. **128.** Mr. West to the Council of Trade and Plantations. *Reply to 18th March.* (i) I am of opinion that there is nothing in the Charter by which the inhabitants of Pennsylvania are prohibited the re-inacting the substance of any laws which may at any time have been disallowed by the Crown. (ii) The six months are to be counted from the time of their being delivered to the Privy Council, and therefore subsequent to your Lordships' report, unless the Agents deliver duplicates of their laws unto the Privy Council at the same time as unto your Lordships *etc.* *Signed,* Richd. West. *Endorsed,* Reed. Read 25th March, 1719. 2 pp. [C.O. 5, 1265. No. 118; and 5, 1293. pp. 165, 166.]

March 24. **129.** Governor Philipps to the Council of Trade and Plantations. *Encloses following*, which shew the necessity of what was urged in his memorial, *etc.* (v. 21st Feb., 1718). *Continues:* In relation to French encroachments, the Gut of Cancoe, to colour their pretention, the French new nam'd the little River of Canada; it will not be convenient upon any account to give up this point, for it is there the French made last yeare their best fishery, *etc.* *Signed,* R. Philipps. *Endorsed,* Reed. Read 24th March, 1715. *Holograph.* 2 pp. *Enclosed,*

129. i. (a) Abstract of letter from Lt. Governor Doucett to Governor Philipps, Annapolis Royal, Nov. 1st, 1718. *Encloses* reply of M. St. Ovide de Brouillan (v. July 23, 1718). *Continues:* I find it very false concerning his coming to Can[coe], which was as I am inform'd from thence to forbid the English to fish there, and to settle some French on that Isle of Cancoe, pretending it belongs to them because in one article of the Peace, it is mention'd all Islands in the Gulph of St. Lawrence or mouth of the River Canada; Now this Island is not in or near either of those places, but to give them a colour for this, they have new Xstnen'd the Gulf of Cancoe (where this Island is situated and divides the Continent of Nova Scotia from Cape Britton) the little River of Canada, so that they may as well claim Guernsey or Jersey, if they will call the Channell of England the River to Canada. This occasion'd the sending a man of warr from Boston upon complaint of the fishermen belonging to that place, who made prize of all the vessells and fish they found there, having first made a representation to the Governour and produced Monsr. Subercas's passport *etc.* (v. No. v.) The prizes were a brigantine and a sloop with other little vessells, which I hear the Court of Admiralty in New England have condemn'd *etc.* By presents sent from France and our neglect of them, the Indians are

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estranged from us ; for I have seen but two Indians in this place since spring, but have heard of their shooting a stone horse and mare in the woods, which belonged to the English.

129. i. (b) Abstract of letter from Capt. Aldridge to Governor Philipps. 24th Dec., 1718. We have just now advice from Cape Britton, that M. St. Ovide has sent to Cancoe and seized a brigantine and sloop loaded with fish belonging to New England by way of reprisall for the seizure made by Capt. Smart of H.M.S. *Squirell* last summer. The French who live among us seem very well pleas'd with the news, and are in hopes, this may occasion a rupture between the two Crowns.

129. i. (c) Copy of a former letter from Lt. Governor Doucett to Governor Philipps. I must recommend that you procure shovels, spades and pick-axes to be sent here ; for you will find none in case you go on any works, likewise to use your endeavours to obtain presents for the Indians *etc.* I expect in the spring the chief of them from St. John's River, they having sent me word, they intended to see me, they having severall things to propose concerning our future friendship, and to settle the prices of commoditys, and establish a commerce betwixt the English and them *etc.* My opinion is the same with all the English here, that if at your arrivall, you bring them presents, they will be easily brought over to our interest, *etc.* *The whole endorsed as covering letter.* 2½ pp. [C.O. 217, 2. Nos. 62, 62. i. ; and (without enclosures) 218, 1. pp. 389, 390.]

March 24.  
Whitehall.

130. Mr. Byrd to the Council of Trade and Plantations. *Offers* his services for reconciling the Lt. Governor and Council of Virginia, *and proposes* that the Board prepare the way by repeating directions to the Lt. Governor not to join any other persons with the Council in the Commissions of Oyer and Terminer ; to cause the minutes of Council to be read at each next meeting ; to assent to the repeal of the Act of Assembly, which trusted him with a power to lay out what money he should think fit upon the Governor's house, £2000 having been spent upon it since a Committee of the Burgesses judged that £250 would finish it ; to allow the Council to give their opinions frankly without reproaching or ridiculing any who differ from him, so disobligeing a method having made him more enemies than every other part of his administration *etc.* The Board to direct that neither party send over any complaints without having first given a copy to the party complain'd of, and a copy of the Board's own letters to be sent to both parties *etc.* *Signed,* W. Byrd. *Endorsed,* Reed. 24th March. Read 8th April, 1719. 1 p. [C.O. 5, 1318. No. 58.]

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March 24. **131.** Lords Proprietors of Carolina to Governor Johnson. Sir Robert Thornhill has twice attended our Board, in relation to a debt that he has a legal title to from Sr. Nathl. Johnson upon the account of Sr. John Baudon. Sir Robert inform'd us that he did design to apply to the House of Commons here in order to procure a short Bill for the speedy relief of creditors against persons indebted in the West Indies, upon your acct., which we are apprehensive may be very expensive and troublesome to you, and may reflect upon us the Proprietors; We therefore do earnestly recommend it to you, that you wou'd accommodate this matter as soon as you can possibly, and write in such manner to Sr. Robert Thornhill, that the proceedings upon your account may be stopt, and that there may be no more complaints against you upon this occasion. *Signed,* Carteret Palatin; M. Ashley, J. Colleton, J. Danson. [C.O., 5, 290. pp. 135, 136.]

March 24. **132.** Governor Sir N. Lawes to the Council of Trade and  
Jamaica. Plantations. Since my last of 31st Jan., duplicate enclosed, I have not been honor'd with any letter from your Lordships. On the 15th instant I received H.M. commands by the *Deal Castle, etc.* H.M. Declaration of War with Spain was accordingly published here the day following. I alsoe recd. H.M. Proclamation for enlarging the time for pirates to surrender themselves *etc.*, and am of opinion the pirates will now come in, war with Spain being declared, which they have long wisht for. But I could have wish't there had been a clause incerted in the Commission (*for trying them*) to have empower'd the Commissioners therein named likewise to have tryed the accessarys of pyracry, for I am persuaded, were the pirates not supplied with necessarys, and received intelligence from shoar greater numbers wou'd have come in and embraced H.M. pardon. Wherefore I humbly propose but submit to better judgment, whether such a Commission will not be necessary for H.M. to grant. In some of my former letters I acquainted your Lordships of the weak condition the Island was in from the decay of its inhabitants, and of the fortifications, *etc.* I persuade myself your Lordships are not unmindfull of us, and therefore I hope proper measures are taken for our relief, but I am now to mention one particular, which is, of the utmost consequence not only to us but to Great Britain: and that is the little trade we had left, must now inevitably be lost, unless H.M. will be graciously pleas'd (as the late Queen did in the last war in 1704) by a particular Instruction, to permit and allow of an intercourse of trade between H.M. subjects in these parts, and those of the Spanish Nation, which was afterwards allowed of by Act of Parliament in 1707. But as the said Instruction and Act of Parliament were only to continue in force during the late war, and I having hitherto received no orders or Instructions

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to permit or allow of any such intercourse of trade : our merchants are at a loss how to dispose of their effects : Wherefore I must earnestly intreat your Lordship's recommendation to H.M. that such an Instruction may be emediatly granted, as in the former war, without which we shall soon have little mony to send to Europe. *Refers to Capt. Dennis' Journal enclosed.* Upon his returning without success, and war being declared against Spain the Council advised me to have the Spaniards which are now here to the number of about 70 made prisoners of war ; which has been accordingly done. But as there is no fund for defraying such a charge I shall send them to Great Britain in merchant ships as opportunity offers. I did with the advice of the Council, dissolve our late Assembly 3d Feb., *etc.* and some time since Thomas Harrison Esq. departed this life. Whereby there is a vacancy in H.M. Council. I humbly take leave to recommend Wm. Nedham or Thomas Rose to succeed him in that post, as being Gentlemen well qualified, and every way agreeable to H.M. Instructions on that head. The two sloops which were lately fitted out at the charge of the country in pursuit of the pirate yt. took the ship *Kingston*, are return'd with pretty good success: they mett with the said ship near the Isle of Pines, and upon their approach the pirates who were on board of the ship, made their escape on shoar in a canoe, and the two sloops are return'd into Port Royal harbour with the ship and the greatest part of her cargoe. Proper measures have been taken in the Court of Admiralty that justice may be done as well to the freighters and insurers as to the captors ; and I believe all partys will be satisfied therewith. Our privateers have already made application for Commissions to act against the Spaniards, and I have with the advice of the Council issued some. This day fortnight I have summoned a Council of War to meet to consider of putting ourselves in the best posture of defence in case of any attempts from the enemy, the result whereof shall be transmitted in my next. *Signed, Nicholas Lawes. Endorsed, Reed. 22nd, Read 25th June, 1719. 7 pp. Enclosed,*

132. i. The whole proceedings of Captain Dennis's Expedition to the Governor of the Havanna, *etc.* Jan. 14-28, 1718 (19).

*Describes* his endeavours to obtain the release of H.M. subjects detained as prisoners, and of his own sloop seized by Lagers, and Capt. Oxborough's sloop from Jamaica. The Governor of the Havanna refused, describing the prisoners as pirates *etc.* *Printed* by R. Baldwin, in Church Street, Kingston. 1718 (19). 8 pp.

132. ii. Copy of the Weekly Jamaica Courant. Numb. xxxviii. Feb. 11, 1718 (1719). Contains Proclamation of 3rd Feb. for dissolving the Assembly on account of

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“the great contempt they have shewn to Our Instructions and the many indignities they have offered to our Council” *etc.* *Printed as preceding.* 4 pp. [C.O. 137, 13. Nos. 30, 30. i., ii.; and (without enclosures) 138, 16. pp. 209-214.]

- March 25.** **133.** Lt. Governor Spotswood to the Council of Trade and Virginia. Plantations. *Encloses reply etc. to the charges against him, and repeats charges against the opposing party in the Council etc.* Set out, Spotswood Papers, II. 308. *Endorsed*, Recd. 18th May, Read 23rd June, 1719. 8 pp. *Enclosed*,
133. i. Addresses from the several counties of Virginia to Lt. Governor Spotswood. *Protest* against the proceedings of the Burgesses and repudiate the charges in their Address against him. *Endorsed as preceding.* 19 pp.
133. ii. Lt. Governor Spotswood's Remarks on the Articles exhibited against him and rejected by the Burgesses (Dec. 22). *Same endorsement.* 8½ pp.
133. iii. Lt. Governor Spotswood's Answer to the 4 Articles exhibited by the Burgesses against him (Dec. 22. No. ii). (i) See covering letter Dec. 22. (ii) From Christmas 1713 to this day I have expended about the buildings and gardens but little above £200 per annum, and the country in general is delighted with the building, *etc.* My accusers refused to explain their meaning when challenged by me Nov. 22 & 28. *etc.* (iii) Challenges his accusers to give one instance that he either persuaded any Justice to refuse or showed any resentment against those who levy the Burgesses salary *etc.* (iv) *Describes* his communications with the Assembly *etc.* Signed, A. Spotswood. *Same endorsement.* 17 pp.
133. iv. Certificate by Mr. Thacker that he can find no record of patents granted for land since Dec. 1710 forfeited by the non payment of quit rents. 23rd Jan. 1718. Signed, C. C. Thacker. Cl. Sec. Off. ½ p.
133. v. Copy of grant to Ralph Bowker by the General Court, Oct. 23, 1718, of 2827 acres lapsed from Capt. William Smith since 1682 and 1687, Smith not appearing in answer to summons *etc.* Certified by C. C. Thacker, Cl. Gen. Cur. ¾ p.
133. vi. Copy of Queries offered by H.M. Lt. Governor to the whole Council and the Attorney General, occasioned by the late scruples of the Justices of the Peace. (i) Whether the 300,000 cwt. of tobacco, which the Burgesses claim for their late session of Assembly, can be legally raised for them, when there is no law that prescribes the ways and means by which it shall be levied *etc.* (ii) Whether the Justices are not liable

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to be prosecuted for one of the highest misdemeanors who shall venture to impose an heavy pol-tax, without being directed by any law so to do, or im-powered or appointed to lay any levy at all in the case of the Burgesses.  $\frac{3}{4}$  p.

133. vii. Journal of Lt. Governor Spotswood's travells undertaken for the publick service 1711-1717. 5026 miles. 3 pp. [C.O. 5, 1318. Nos. 66, 66. i-vii.]

March 25. 134. Office accounts of the Board of Trade, Dec. 25, 1718—March 25, 1719. v. Journal of Council. [C.O. 388, 77. Nos. 58, 60, 62.]

March 28. 135. Commissioners of Customs to [?Lords Commissioners Custom Ho., London. *of the Treasury*]. Upon complaints of a fraudulent practice of importing first and second clayed sugars from Barbados as brown Muscovadoes (*described*), we are of opinion it will be for the benefit of the revenue and an encouragement to the sugar planters in Jamaica and also to the refiners of this Kingdom that a duty between the duties on white sugars and the duties on Muscovado be laid on all clayed sugars; that the duties on brown muscovado sugars be continued as at present and that the present duties on white sugars do cease; By which means the present disputes arising from the difficulty of judging of the different sorts of sugars by the colours or fineness only will be remov'd *etc.* Signed, J. Stanley, M. Dudley, J. Pulteney, J. Walker. Endorsed, Reed., (from Mr. Bampffield), Read 9th April, 1719. 4 pp. Enclosed,

135. i. Correspondence relating to above, and petition of sugar bakers of Bristol, *etc.* Signed, David Macie and Coy., Caleb Loyd, 23rd Feb.—18th March, 1719.  $2\frac{1}{2}$  pp. [C.O. 28, 15. Nos. 48, 48. i.]

March 29. 136. Deposition of William Maxwell of Boston. Master of the *Friendship* of London, in her voyage from Boston to Gibraltar, on 28th Jan. last, off Cape Sparteel he met with a Moorish ship of 20 guns and a galley with which they ingaged from 6 in ye morning till noon, when having but five cartridges of powder left, he sunk his pink and landed 10 leagues east of Cadiz in his boat. He and his crew were made prisoners and stripped, and some of them forced on board a transport *etc.* There were about 50 transports and seven men of war in the Bay *etc.* Powder, small arms, guns and 10,000 soldiers on board the transports, with 30 days provisions, besides store ships, bound, some say to Ireland, some to Scotland, some to Torbay, and others to Jamaica. Sir Mark Forrester, Commander under ye flag tried to induce informant to go with him. 10 more men of war reported near Cales *etc.* Signed, Wm. Maxwell.  $1\frac{1}{2}$  pp. [C.O. 5, 898. No. 29.]



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April 1st.

**137.** Governor Philipps to the Council of Trade and Plantations. *Encloses following etc. Recommends* Capt. Southack as the Commissioner when it is thought convenient to appoint one for adjusting the boundaries of Nova Scotia with the French. *Signed*, R. Philipps. *Endorsed*, Recd. 6th, Read 7th April, 1719. 2 pp. *Enclosed*,

137. i. Capt. Southack to Governor Philipps. Boston, Jan. 27, 17<sup>18</sup><sub>19</sub>. I was ordered by Governor Shute and the Council of this Province to go in H.M.S. *Squirrel* Capt. Thomas Smart to have a conference with St. Ovide de Brouillan Governour of Island Breton concerning antient boundaries of Nova Scotia. Since the arrivall from France of the Marquis de Vaudreauill Governor of New France at Quebeck he has given orders to severall frenchmen for settlements at Ponobscot Passamaynody and St. Johns River all which is part of the boundaries of Nova Scotia. *Complains* that French privateers had taken 10 of his fishing sloops, "the French being very angry with me, I being on all expeditions in doeing my duty against them *etc.* Sence the suspension of armes to this year 1718 to be served as I am by the French it is very hard." Capt. Smart's seizures amount to £2000 this money. Hopes to be allowed part of it *etc.* *Encloses* a "small chart," *etc.* *Signed*, Cyprian Southack. *Same endorsement. Addressed.* 1½ pp.

137. ii. Copy of Governor Dudley's Instructions to Capt. Southack, 11th March, 1712, to visit the coast of Cape Sables *etc.* *Same endorsement.* 1 p.

137. iii. Copy of Governor Dudley's Instructions to Capt. Southack, 18th April, 1715, to seize vessels trading contrary to the Act of Neutrality *etc.* *Same endorsement.* 1 p.

137. iv. Copies of Order of Council, 1st Feb., 1693, and certificates by Capt. George Martin, General Sir William Phipps and Governor Dudley in favour of Capt. Southack. *Same endorsement.* 2¾ pp.

137. v. (a) Memorial of Capt. Southack to M. St. Ovide de Brouillan Governour of Island Breton. Sept. 11th, 1718. *Recapitulates history of Nova Scotia.* The 12th Article of the Treaty of Utrecht bound the most Christian King to deliver to the Queen of Great Britain all Nova Scotia or Accadie with its antient boundaries. Which antient boundaries was to Cape St. Lawrence eastward on Island Breton, and Cape Roziars northward to the great River St. Lawrence as may be seen by M. Subercass passport (*v. infra.*) And that the subjects of the Most Christian King shall hereafter be excluded from all kind of fishing in the said seas, bays and other

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places on the coast of Nova Scotia, that is to say on those which lye towards the East within 30 leagues begining from the Island commonly called Sable inclusively and thence stretching along towards the southwest. If it had not been mentioned in 13th Article that the Island called Cape Breton as also all others both in the mouth of the River of St. Lawrence and in the Gulph of the same name, shall hereafter belong of right to the French, and the Most Christian King shall have all manner of libertie to fortifye any place or places there, and no other it must of course have been the Queen's of Great Britain's as being within antient boundaries of Nova Scotia. Which shews the French have nothing to do with any part of the Continent nor Islands from Cape Cansco to Cape Roziers aforementioned.

- (b). Memorandum of what fish the French have catched and part dried in the boundaries of Nova Scotia : 1715, 10,000 quintalls ; 1716, 15,000 ; 1717, 20,000 ; 1718, 25,000.
- (c). Governor Subercase's promise to procure passports for Major Richard Mullins and Capt. Charles Brown to return to England after transporting the French garrison of Port Royal to France, according to the 2nd article of the capitulation. Port Royal, 23rd Oct., N.S., 1710. *Begins*: We Daniel Auger of Subercase *etc.* Governour of Le Accadie of Cape Breton Islands and lands adjacent from the Cape Roziers of the Great River St. Lawrence, as far as the east part of Kennebeck River do promise to procure passports *etc.*
- (d). Memorandum by Capt. Southack. In Aug., 1716, H.M.S. *Rose*, Capt. Caley, Commander, sailed under the command of Lt. Young for Cape Breton to speake to M. Costable then Governor of Cape Breton, concerning the French fishing in the boundaries of Nova Scotia at Cape Cansco *etc.* Governour Costabel's answere was that the French had nothing to do to fish at Cansco *etc.*, and that he would order the French away from fishing there, then Lt. Young sailed from Island Breton to Cansco Harbour where he found about 30 French shallops a fishing there and makeing of fish. Young ordered them away or else he would seize them and their fish they made answere they had nothing to do to fish here but would be gone it being the English boundaries there was nobody to look after it and that made them fish there. *Signed*, Cyprian Southack. *The whole endorsed as covering letter. 3 pp.*

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137. vi. Capt. Southack's Journal of remarkable transactions during the voyage (*No.* 1). We sailed from Nantaskett 26th Aug. 1718, and arrived 6th Sept. at Cansco Harbour, where we found a French ship, a brigantine and sloop, and about 30 French shallops a fishing. 7th instant came into this harbour from Louice Bourg, a place on Island of Breton, french sloop with her white ensign leading with french merchandize to trade here, but Capt. Smart received a great many affronts here from the french, but did not think it proper while his return from Louis Bourg to make any answer to them. 10th Sept. we sailed to Louisbourg *etc.* On 11th Capt Smart and I had a conference with Governor de Brouillian about the boundaries of Nova Scotia *etc.* He was made sensible that the French have nothing to do with any part of the Continent, nor the Islands of Cansco. Capt. Smart demanded in the King of Great Britain's name that he would give orders to the french at Cansco to retire to the french territories and offered to allow him any reasonable time for them to withdraw themselves and effects but he refused, then Capt. Smart made an open protestation against the proceedings of the French at Cansco and assured the Governour that it would be resented by the English Government. The 13th we sailed for Cansco, where the french ship had out her white flagg and the other french vessells french colours on it. The 18th Sept. Capt. Smart made seizures of the french ship, brigantine and sloop and some fish of the french on the shoar belonging to the ship and other French inhabitants and some other goods which he sent some of them goods ashore againe by my desire. The 25th he delivered the french ship to the french captain againe by reason he had not men to man her, but brought the brigantine and sloop away with him to Boston *etc.* *Signed*, Cyprian Southack. *Same endorsement.* 1 $\frac{1}{4}$  pp.

137. vii. Memorial of Captain Southack to Governor Shute. Boston, Jan. 22, 17<sup>18</sup><sub>19</sub>. Complains of the French seizing his fishing sloops. M. Costabelle gave the Indians £200 to destroy his fishery and kill him *etc.* *v. supra.* Prays H. E. to send his memorial to England to be laid before the King and Council for satisfaction *etc.* *Signed and endorsed as preceding.* 3 pp. [*C.O.* 217, 2. *Nos.* 63, 63. i-vii; and (*without enclosures*) 218, 1. pp. 391-393.]

April 3.  
Custom Ho.,  
London.

138. Mr. Carkesse to Mr. Popple. *Reply to June 12th.* The Commrs. of H.M. Customs observe, upon the Act of Jamaica

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*for ascertaining the number of ports of entry etc.* (1) The more ports *etc.* there are, the greater ease it will be to the traders, and therefore they have no objection to the increase of the ports made by this Act, since they will occasion no additional charge to the Crowne, there being provision in the Act, that the officers to be deputed for those places, shall be paid out of the parochial stock of the sevell. parishes, in wch. those ports are settled, provided the said Act will not encourage the inhabitants to reside in townes, and there sett upp manufactures for supply of their own necessities, without assistance from hence, wch. will not only discourage the trade carried on from this Kingdom as well by our own manufactures, as by ye re-exportacon of East India goods and other foreign goods from hence but will also take off their hands, wch. might be employ'd more to the benefitt of this Kingdome, in planting and raising sugars and other commodities of that Island to be ship'd home for the supply of our own and forreign marketts from hence, to the prejudice of the Trade and Navigation of this Kingdome. (ii) The said Act in Section 5 allows forreign vessells to trade to Jamaica, which is contrary to the Acts of Trade, and allso subjects every vessell as well Brittish as forreign to a forfeiture of the vessell, with her tackles *etc.* and lading, if either the master or owner of the goods shall land the same before entry, wch. may be a great hardship on the Brittish and Plantacon owners, not only with respect to their shiping but likewise to their goods by forfeiting the whole lading, tho' but part thereof be landed before entry, *etc.*, and the owner suffer by default of the master or merchant, and the mercht. by the act of the master *etc.* (iii) In the last clause directing in what manner the penalties shall be recovered, it is declared that no *non vult ulterius prosecute* shall be entred or allow'd, *etc.* which is an encroachment on the prerogative of the Crown. *Encloses following.* In case H.M. shall disallow of this law, and that the Assembly of Jamaica shall hereafter pass another for the establishing ports there, the Commrs. desire that the same may not take place till the officers are effectually provided for, according to the intention of the present Act. *Signed, Cha. Carkesse. Endorsed, Recd. 3rd, Read 7th April, 1719. Addressed. 2 pp. Enclosed,*

138. i. Extract of letter from John Wright, Collector, and W. Norris, Naval Officer, Jamaica. Recd. 26 July, 1716. The merchts. in London have taken ye advantage of the Act *referred to in preceding*, and sent several ships directly to ye port of St. Anne, where there are two ships now in loading, and as the country will not pay the charge of officers there, those ships are at liberty to import and export contrary to ye Acts of Navigation and manifest injury to the 2 settled towns on this side while they have opportunities of defrauding the

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King of his duties on the other side which in time we fear will prove a great detriment to H.M. and the whole Island in general.  $\frac{3}{4}$  p. [C.O. 137, 13. Nos. 24, 24 i; and (without enclosure) 138, 16. pp. 162-165.]

April <sup>15</sup>.  
Rio  
Essequibo.

**139.** Commandant Vanderheyden Rézen to the Director of the Dutch West India Co. *Signed*, P. Vanderheyden Rézen. *Endorsed*, Read, 30th June (N.S.) 1719. *Dutch*. 17 $\frac{1}{4}$  pp. [C.O. 116, 22. No. 3.]

April 4.  
St. James's.

**140.** Order of King in Council. Approving of the Representation of 19th March, and ordering that Col. Thomas Morris be restored to his place in the Council of Antegoa. *Signed*, Ja. Vernon. *Endorsed*, Recd. 8th, Read 9th April, 1719. 1 $\frac{1}{2}$  pp. [C.O. 152, 12. No. 132; and (duplicate, signed Edward Southwell and endorsed, Recd. 27th April, Read 18th June, 1719), No. 137.]

April 7.  
Whitehall.

**141.** Mr. Popple to Mr. Burchett. *Encloses* copy of letter from the Governor and Council of South Carolina, (12th Dec., 1718), to be laid before the Lords of the Admiralty, "that their Lordships may please to give orders for such assistance to Carolina and H.M. other neighbouring Plantations as the publick service will admit." [C.O. 5, 1293. p. 168.]

[April 8].

**142.** Petition of John Chamberlain, of Antegoa, to the Council of Trade and Plantations. Prays to be appointed to the Powder Office in Antigua, for collecting powder in pursuance of the Act there. No immediate Commission therefor has ever yet been granted to any person from H.M. "It is H.M. Prerogative, and will be for H.M. interest that such a Commission be granted" etc. *Endorsed*, Recd. 8th, Read 9th April, 1719. 1 p. [C.O. 152, 12. No. 133.]

April 9.  
Whitehall.

**143.** Council of Trade and Plantations to Lt. Governor Spotswood. H.M. having been pleas'd on the petition of the Lord Guilford and our report thereupon to grant leave to Capt. Hart Deputy Governor of Maryland to be absent twelve months from that Government for the recovery of his health, we send you here inclos'd copies of the said petition and report, as likewise of H.M. Order in Council that you may take the security therein directed from the person who is to be Commander in Chief of Maryland during the absence of Mr. Hart. We have under consideration several of your letters and shall soon send you an answer to them. [C.O. 5, 1365. pp. 184, 185.]

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April 9.  
Whitehall.

**144.** Council of Trade and Plantations to the Queen. Whereas your Majesty has been pleas'd to declare by your Instructions to the Governor of Virginia, that if any Member of the Council in that Colony shall be absent from the said Colony for the space of above twelve months together without leave from the Commander in Chief there for the time being or shall remain absent for the space of two years or the greater part thereof successively without leave under your Majesty's Royal Sign Manual, his place in Council shall immediately thereupon become void, *etc.*; *propose* that Peter Beverley be appointed in the room of William Byrd (*v.* Sept. 17th). [*C.O.* 5, 1365. *pp.* 185, 186.]

April 10.

**145.** Lords Proprietors of Carolina to the Governor and Council of South Carolina. The Rectory of Charles Town, having not been regularly conferr'd upon any person, since the death of Mr. Gideon Johnson; and having been frequently mov'd by the gentlemen of the Province to send a Clergyman properly qualified for the discharge of such a trust; we do appoint the Revd. Mr. Anthony Alsop Batchelor of Divinity to be rector *etc.* We desire you will shew him all the favour and kindness that he deserves *etc.* *Signed,* Carteret, P.; M. Ashley, J. Colleton, J. Danson. [*C.O.* 5, 290. *pp.* 136, 137.]

April 10.  
Whitehall.

**146.** Council of Trade and Plantations to Mr. Secretary Craggs. *Reply to Nov. 20th.* We have consider'd the Address of the House of Burgesses of Virginia, and have thereupon to observe, First that the manner of conveying or presenting the said Address by a person nominated as Agent by the Burgesses alone exclusive of the Lieut. Governor and Council is not only very extraordinary but contrary to H.M. Instructions which do not allow of such separate Addresses unless in cases where the Burgesses have matter of complaint against the Governor and that upon application to him the Governor refuses to transmit their Address, and it does not appear that the House of Burgesses of Virginia made any application to the Lieut. Governor to transmit their said Address in order to be laid before H.M., neither does the same contain any complaint agst. the said Lieut. Governor, but against the power invested in him by H.M. Instructions, *etc.* Besides as we are informed by the said Lieut. Governor the House of Burgesses in order to the conveying this Address in a manner suitable to their own humour, resolv'd to appoint a particular Agent, and to this purpose prepar'd a Bill whereby the Burgesses empower'd themselves barely by a resolve of their House to name any person to be their Agent, and by the like resolve to change him and put in another as often as they might please, and likewise by the same power of a resolve to pay such Agent what sums they might think fit without any concurrence of the Govr. and

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Council ; but the said Bill having been rejected, a vote pass'd the House of Burgesses appointing Mr. Byrd their Agent, and assuring him of a suitable gratification for his trouble. This method of transmitting Addresses by another channel than thro' the hands of the Governor or Commander in Chief (except in cases of complaint or refusal as aforementioned) was particularly disapprov'd of by her late Majesty's Order in Council of 21st May, 1702, and by her letter to the Governor in June following in the case of an Address sent from Virginia and presented by Mr. Byrd in the same manner that this has been ; It is observable that the Burgesses of Virginia have in this case taken upon them not only to appoint an Agent of their own (tho' there be an Agent of the Province here) but also to dispose of the publick money without a law for that purpose or the concurrence of the Governor and Council, who is instructed not to allow of such proceedings, which if not discourag'd may prove very prejudicial to the good Government of the Plantations. Concerning the subject matter of the present Address we must observe that in one part of it the Assembly desires the revocation of an Instruction which is genl. to all H.M. Governors in America, and was given in pursuance of an Order in Council the 31st July, 1717, by which Instruction the Governors are requir'd not to pass any Act which may any way affect the Trade or Navigation of this Kingdom without a clause expressly declaring the said Act not to be in force till approv'd by H.M., His heirs or successors ; We are surpriz'd to find that any objection should be made to an Instruction of this nature since it can never be suppos'd that the Plantations had or could have the power of making any laws which might be prejudicial to the Trade and Navigation of this Kingdom, for whose benefit and advantage the Plantations were first settled and have been and still are maintain'd and protect'd at a vast expence from this Kingdom. As to the other part of the Address desiring that the Judges of the General Court who are the Members of H.M. Council may be the only Judges of the Courts of Oyer and Terminer, we made a report to H.M. some time since (a copy of which we here inclose) and transmitted to the Governor the opinion of Sr. Edward Northey then H.M. Attorney General upon that subject, and have been inform'd that the Council of Virginia, who were the chief promoters of this claim of power for themselves have since acquiesc'd in Sr. Edward Northey's and our opinion concerning it. [C.O. 5, 1365. pp. 187-191.]

April 10.  
Whitehall.

**147.** *Same* to the King. Recommend Cole Digges as a Member of Council of Virginia in the room of Edmund Barkley, decd. [C.O. 5, 1365. p. 192.]

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April 16.  
Whitehall.

**148.** Council of Trade and Plantations to the King. *Representation* upon Act of Jamaica, 1714, for *ascertaining the number of ports of entry etc.* Quote objections urged by Commissioners of Customs April 3rd, *q.v.* *Conclude:* We therefore humbly offer that your Majesty should be pleas'd to declare your disapprobation of the said Act as being repugnant to the Acts of Trade and Navigation of this Kingdom, and consequently in its own nature illegal, null and void. And further that your Majy.'s Governor of Jamaica may be strictly enjoin'd not to give his assent to any new Act for encreasing ye number of ports of entry in that Island, unless there be a clause to suspend the execution of such Act untill your Majesty's pleasure shall be known concerning the same. [C.O. 138, 16. pp. 165-169.]

April 17. **149.** Lords Proprietors of Carolina to Col. Rhett. Warrant to pay Rev. A. Alsop £100 yearly and a gratification for assize sermons *etc.* (v. April 10th). *Signed,* Carteret, Palatin; M. Ashley, J. Colleton, J. Danson. [C.O. 5, 290. pp. 137, 138.]

April 17. **150.** *Same* to Francis Yonge, Surveyor General of South Carolina. Warrant for passing a grant of 500 acres to Rev. A. Alsop. *Signed as preceding.* [C.O. 5, 290. pp. 138, 139.]

April 17. **151.** *Same to Same.* Warrant for surveying and setting out for us our heirs and assigns upon the Yamasee lands, and as near Port Royal as you can, fifteen baronies consisting of 12,000 acres each barony, one fourth part of every barony must front a river where the lands do lye, and the rest in a direct line backwards as near as may be; you are to give them names according to their several and respective situations, and you are to transmit to us by the first opportunity. *Signed as preceding.* [C.O. 5, 290. pp. 139, 140.]

April 17. **152.** Mr. Shelton to Francis Yonge. I have receiv'd your letter of 3rd Feb., with the account of the lands pass'd your office since 1716 to 30th Dec. 1719 (*sic*), the Lords take your compliance with their orders very well and after having read your accot., have order'd it to be further consider'd of at the next Board. *Refers to preceding warrant.* *Continues:* It will be agreeable to the Lords if you despatch that as soon as you can and I will venture to promise you that you shall have an order for your money as soon as you have finished that matter *etc.* The Lords say you have omitted to mention by whose warrts. the sevl. parcells of land were set out and the dates of them, which they desire you to send by the first opportunity. *Signed,* R. Shelton. [C.O. 5, 290. p. 141.]



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April 18.  
N. Yorke.

**153.** John Riggs to Charles Delafaye. *Repeats* gist of 2nd Feb., *q.v.* "No ships as yett arived heare from Europe, so have no newse . . . our best services atends dr. sister with all yr. dr. famylie, perticulerlye dr. Malboro Mobb" *etc.*

*P.S.* Coll. Ingoldesbe died ye first of March *etc.* H.E. has been ill most of ye winter of a rumetissem, he is now something better. *Signed*, John Riggs. *Addressed*. *Postmark*. 1¼ pp. [C.O. 5, 1092. No. 7.]

April 20.  
Whitehall.

**154.** Mr. Secretary Craggs to the Governor of Placentia. Gives Instruction as requested by Board of Ordnance, 2nd March. *Signed*, J. Craggs. *Copy*. 1 p. [C.O. 217, 31. No. 20; and 324, 33. p. 221.]

April 20.  
Admiralty  
Office.

**155.** Mr. Burchett to Mr. Popple. *Reply to* 7th April. My Lords Commrs. of the Admiralty intend to send a frigate thither as soon as possible *etc.* (v. 12 Dec. 1718.) *Signed*, J. Burchett. *Endorsed*, Reed. 20th, Read 21st April, 1719. *Addressed*. ½ p. [C.O. 5, 1265. No. 120; and 5, 1293. p. 169.]

April 22.  
May 3.  
Rio  
Essequibo.

**156.** Commandant Vanderheyden Rézen *etc.* to the Directors of the Dutch West India Co. *Signed*, P. Vanderheyden Rézen and three others. *Dutch*. 5 pp. [C.O. 116, 22. No. 4].

[April 22.]

**157.** Merchants trading to New York to the Council of Trade and Plantations. Objections to the Act of New York for paying debts *etc.* (v. April 9, and 23, 1718.) *No signature*. *Endorsed*, Reed., Read 22nd April, 1719. 3 pp. [C.O. 5, 1051. No. 81.]

April 23.  
Whitehall.

**158.** Mr. Popple to Mr. West. Encloses for his opinion thereon Acts of Barbados 1717-1718. [C.O. 29, 13. p. 504.]

April 23.  
Whitehall.

**159.** Mr. Popple to Mr. West. Encloses Acts of the Massachusetts Bay, 1718, for his opinion thereupon *etc.* [C.O. 5, 915. p. 266.]

April 24.  
Whitehall.

**160.** Council of Trade and Plantations to the King. Recommend that H.M. declare his disapprobation of the Act of the Massachusetts Bay, May, 1718 for granting unto H.M. several rates and duties of impost and tonnage of shipping. *Continue*: Contrary to the Acts of Trade 15 Car. II and 3rd & 4th Annæ, this Act allows the importation of all sorts of wines and commodities directly from the place of their growth, and charges them with a double duty, if imported from this Kingdom *etc.* It lays a duty of 1 p.c. on all English merchandizes, and not half that on any other goods; and as a further discouragement to the British Trade and Navigation lays a duty of tonnage on all shipping, except that of the Massachusetts Bay, and of some

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few of its neighbouring Colonies *etc.* Forasmuch as this Act seems designed to be an annual one, *propose* that the Governor be enjoined forthwith to declare H.M. disapprobation, in case it shall have been re-enacted this year *etc.* And to prevent so pernicious a practice for the future, that H.M. Governor represent to the Council and Assembly, that as the power of making laws granted to them by their Charter is restrained to the condition, that such laws shall not be repugnant to the Laws of this Kingdom, they will do well to consider how far the breaking this condition and the laying any discouragements on the shipping and manufacture of this Kingdom, may endanger their Charter, and that the Governor be reminded of his Instructions *etc.* *Set out, A.P.C. II. No. 1315 q.v. [C.O. 5, 915. pp. 267-270.]*

April 24.  
Portsmo. in  
New  
Hampshire.

**161.** Mr. Bridger to Mr. Popple. The winter being over and the people in a litle better order *etc.*, *reports* :—I have kept the woods from being destroyed this winter, which was threatened to be destroyed at their pleasure, as they gave out some time agoe. This arose from that pernicious disloyal principle and opinion of Mr. Cook's that H.M. has no right or title to the woods here, wch. is so agreeable to the interest of those people, that it has prevailed as a general and recd. opinion thro' the country: and unless a great care be taken; and more power given the Surveyor, the woods will suffer *etc.* The Province of Main is 100 miles long and produces not only great numbers, but good and large mast trees, and casie for transportation. In this province there are now seteling some hundreds of people, and hundreds more are expected from Ierland this summer, wch. will very soon destroy all the pines in that Province. The other parts of this country now in time of the Indian peace are enlarging their setelments up into the woods above their old lines, wch. I have always deemed to be H.M.'s and have preserved them as such *etc.* This country has increased in people more in the last 7 years than in 20 before *etc.* Upon seteling of any new part, the first care is to build saw-mills, and they destroy all the large and best trees first *etc.* It will be impossible for one officer, more particularly for one stranger to preserve all the mast trees in so great an extent *etc.* Upon these considerations *he has resolved* to stay, the Governor having given his opinion that it was of absolute necessity, till a person arived to supersceed him *etc.* *Signed, J. Bridger. Endorsed, Reed. 22nd, Read 23rd July, 1719. Addressed. Sealed. 2 pp. [C.O. 5, 867. No. 42; and 5, 915. pp. 298-300.]*

April 24.  
Whitehall.

**162.** Council of Trade and Plantations to Governor Hamilton. We are now to answer your letters of 10th Sept., 14th and 20th Oct. and 4th Nov. last. We have laid before H.M. the accounts you sent us of the English ships taken by

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the Spaniards at Saltertudas. We send you a copy of the Memorial of the Danish Envoy desiring assistance for St. Thomas *etc.* (31st Dec., 1718) and our letter upon that subject (3rd Feb.). H.M. has been pleased to appoint Messrs. Duport, Pain, Garnet and McDowel, to be members of the Council of St. Christophers (v. 23rd Jan.), and to restore Col. Morris to his place in the Council of Antigua. We do not think it proper to recommend Colo. Valentine Morris, as you desire, to be a Member of the Council in each of the several Islands under your Government. This distinction seems to belong only to the Lieut. General of the said Islands. The Minutes of the Council and Assembly of Antigua, mention'd in your letter of the 4th Nov. as having been transmitted with it, were not brought to our Office in some time after we had recd. that letter; We still want the Minutes of Council and Assembly of the three other Islands under your Government as well as several other accounts which you are requir'd by your Instructions to transmit regularly to us, and which we hope you will be very carefull and exact in doing for the future, that we may not be under a necessity of representing to H.M. your neglect of this part of your duty and that you may not have the least doubt what those accounts are, which we expect, we desire you will consider the following Articles of your Instructions. By the 22nd Article you are requir'd to transmit over hither authentick copies of all laws that are in force and that have not yet been sent, as also authentick copies of all such laws as shall be made for the future, within three months or by the first opportunity after the passing thereof; This has not been observ'd for we find many laws wanting in our Office, as we shall more particularly explain hereafter in the Article relating to the liquor and powder Acts. By the 23rd Article of your Instructions you are requir'd to send us your observations upon all laws that you shall pass. This Instruction you were put in mind of by our Secretary's letter of 24th Oct., 1717: it is absolutely necessary for us to know the particular reasons for passing each law. You are also requir'd by the 24th Instruction to send over a compleat collection of all the laws in force in each Island (of which you were reminded likewise by our Secretary's foresaid letter) the Collection we have, being very imperfect, and in a very confus'd method: And therefore that such collections may be of use, you are to take care (as you have been formerly directed) that the Laws of each Island be in a separate volume by themselves and that the laws of the Genl. Assembly of the four Islands, be also in a volume by themselves. The 34th Article directs upon pain of H.M. highest displeasure, that you transmit every half year or oftener fair books of accounts of all payments and receipts of publick money. This we desir'd of you by our letters of 4th of August 1715 and 4th Octr. 1717, and our Secretary reminded you of

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the same, 24th Oct. 1717. However we have not receiv'd any such accounts from you. You say indeed, 10th Sept., that you have often recommended this matter to the Councils and Assemblys but have not been able to get the accounts from them; We can't think this a satisfactory answer to us because we do not see there was a necessity of applying to the Councils and Assemblys about that matter for you shou'd have given your orders to the respective Treasurers or Receivers of each particular grant of the Revenue, who seem to be the proper persons to make out such accounts, as also to make up the ballance of the receipts and charges or expences of each particular Government; and therefore we must insist upon it that you comply with this Instruction without delay. By the 41st and 42nd Articles you are to send Journals of the Councils and Assemblys. In your letter of 10th Sept. last, you say you had sent us an accompt of the imports from the Maderas, but no such accompts were inclos'd in that letter of yours nor have we as yet receiv'd them. We must further put you in mind, that you have not hitherto comply'd with the 43rd, 51st, 59th, 60th, 69th, 70th, 72nd, and 74th Articles of your Instructions. As it is necessary that we shou'd be particularly informed of ev'rything relating to your Government, we must further remind you of your 40th Instruction relating to escheats, and to the 76th relating to the transmitting Naval Officers Accounts, tho' you say 10th Sept. that there have been no escheats since your Government, and that you have only confirm'd what had been granted by former Governors, yet you ought to have sent us an accompt thereof, that we might be informed how and to whom the lands or estates, that have been escheated to the Crown, have been dispos'd off. We reminded you, 4th Aug. 1715, of your 59th Instruction requiring an accompt of the number of white men *etc.* in each Island *etc.*, to which you say, 5th July, 1717, that it was impossible for you at that time to give a distinct and satisfactory answer; However we shall expect to have it by the first opportunity. *Refer to Representation upon Act for laying an additional duty on wines etc.* (Dec. 24, 1718). *Continue:* When H.M. pleasure is declar'd thereupon, we shall write to you more particularly concerning this Act; in the mean time we shall only observe that this Act revives an Act pass'd in 1717 with the same title, which has not been sent to us, and therefore for that reason alone, we could not have laid it before H.M. for his approbation; We have no Acts in our Office for levying of money or for laying duty's for the publick charges of the Government since those which expir'd in 1716; But we find by the Act of 1718, that there was a liquor Act as aforesaid pass'd in 1714, which has not been sent to us. Wee have not laid the Powder Act before H.M., because it revives a former Act pass'd in 1714, weh. wee had not in the Office nor did we know the contents of it till we

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receiv'd a copy of it with the duplicate of your letter of 14th Oct. last. But that copy not being under the Seal is not authentick, besides as this Act is liable to some objections, which are the same as those we laid before H.M. against the Additional Duty Act, H.M. determination on this Act will serve for your direction about the powder Act. We have examin'd the accompt of the present state of the French part of St. Christophers, but cannot well understand some of the Articles, particularly in the column of Town Lands; we find that several persons have the lands granted to them by feet. For instance James Milliken has 64 and 84 weh. we suppose must mean 84 feet long and 64 broad. But then Jno. Newth has 5460 without mentioning any breadth; whether that is intended to mean, so many feet square, we do not know. We hope to receive from you a more ample and exact accompt of these lands. We have one thing more to desire of you, which is that all your letters and packets, laws, journals, etc. intended for us, be transmitted directly to us at our Office and not sent under cover to private hands; For besides the inconvenience there may be by such persons keeping letters longer than they ought, as has happend in the case of your lre. of 26th Oct., which we receiv'd not till the 23rd Dec. and after the receipt of your letter of the 4th Novr., there may happen sevl. other inconveniences by that means. [C.O. 153, 13. pp. 395-404.]

April 24.  
Whitehall.

**163.** Mr. Popple to Governor Hamilton. Besides what the Lords Commissioners for Trade have writ you this day, I am to take notice of one thing which may often be attended with ill consequences; and that is that some of the Govrs. in the Plantations have sent to their Agents here exact copies of the letters they write to the Board whereby it has sometimes happend that these Agents kept in their hands the packets intended for the Board and petition'd the King for some particular thing mention'd in the letters whereof they had copies; and the thing has been granted before the Board have seen the letters to them on that subject. And at other times some parts of such letters have been printed in the Newspapers before the Board have seen them. This you will easily believe ought not to be done. 'Tis true indeed all Agents ought to be thoroughly instructed in the particulars of the Government they represent which may easily be done without giving them transcripts of the letters from the Governours to the Board. This I thought necessary to advise you of as a Friend, that you might not at any time do the same thing. There is a private Act of Antegoa, *to enable Arthur Freeman etc.*, which lies by unconfirm'd, because there is no body here that applies on the behalf of the persons concern'd to have it laid before the King. Mr. Nivine indeed did desire to have

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it confirm'd but then he declar'd that he was not authorized by the persons, interest'd in the Act for so doing. And therefore their Lordps. have thought fit to let it lye by till some person authoriz'd do appear for it. Upon this occasion, I must observe that it will be necessary for the future, that when any private Bills are sent over, the persons concern'd in those Acts, do appoint some others here to sollicit the dispatch of them, otherways they will be laid aside till that be done. [C.O. 153, 13. pp. 405-407.]

April 28.  
South  
Carolina.

**164.** Extract of letter from Col. William Rhett to his son William Rhett junr. in Londo. Some time after our Assembly broke up two or three of the Creek Indians that were related to the Huspaw King (who first began the Yamasee warr) proposed that if we would send a small party of men wth. them to St. Maries (web. is a small place near St. Augustine) they were assured they could prevail wth. the Huspaw King to desert the Spaniards and bring over the Yamasee Indians with him to come and make a peace wth. us and returne to their former obedience under this Government. Collo. Barnwell undertook the management of this affaire and with a small party of men went with the three Indians to St. Maries and sent them into St. Augustine etc. *Refers to following. Endorsed, Reed. 7th, Read 15th July, 1719. 1 p. Enclosed,*

164. i. Extract of letters from John Barnwell to Governor Johnson. April 20, 1719. St. Maria. The three Creek Indians I sent to St. Augustine are returned, haveing fled out of St. Augustine, and haveing found ye Huspaw King in such a temper, that they durst not deliver their errand; the Spaniards haveing made him Chief Generall of 500 and odd Indians to come immediately against us, he was carried about ye town in triumph with drums and trumpets before him, and they had received their ammuniton, and was to set out on the 21st instant by water, haveing sent 70 by land wth. 30 warriors to fall upon Pon Pon, and there is 30 more to follow wth. 7 Spanish horsemen, or mulattas to head them, but ye main strength is to come by water, but they can't tell wether Spaniards come with them. One of these Indians being a relation to ye Huspaw King thought he could sound him, but found him threatning us to that degree and yt. he and all his people were drunk, and makeing merry, that he durst say nothing to him, but was so strictly examined, that so soon as 'twas night they fled. There is but one small sloop in their harbour, and they have withdrawn their look outs, and settlements within hearing of their turn, they know that we have warr with them, and tell ye Indians we are ye

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greatest enemies they have, and yt. they will buy our heads and horses at ye same price. You will find yt. by this account our Southward will be exposed to dreadfull depra-dations, I beg yr. Honrs. assistance, suddenly there being no time to spare. I send ye whaleboat by sea, but come within land myself in my cannoe to allarm ye settlements. I am so fatigued, and ye merrywings torments me to that degree while I write upon my knees, that you may well exeuse any imperfection. P.S. I ordered ye whaleboat to put in at Port Royall and send a cannoe to Wilton or Palmer, where they are to get a horse. Pon Pon I fear much because I perceive ye smoaks of ye land parties to be a head of me this day. *Signed, John Barnwell. Copy. 1 p. Overleaf,*

164. ii. *Same* to Capt. Beamour. 21st April. Send this [*i.e.*, *preceding letter. Ed.*] away immediately. Let young Bryan go to Combee to save his father's slaves, write a letter to Capt. Jackson and Major Cockrane. I beleive ye best way is to send ye express to Palmers. I hope to be in five days after to-day at home, if God permit, for I will come night and day; but ye whaleboat may be with you in 24 hours. Get ye inhabitants in armes, and send to Bennets Point for corne in time. *Copy. ½ p. (v. 28th April). [C.O. 5, 1265. Nos. 127, 127, i., ii.]*

[April 28.] **165.** Anonymous paper objecting to the New York Act for *paying debts, etc.* 6¾ pp. [*C.O. 5, 1051. No. 90.*]

[April 28.] **166.** Governor Hunter's Order to the Justices of Suffolk County. The signers and promoters of the petition to H.M. are to be apprehended and sent to me in Council *etc.* Nov. 29, 1717. *Signed, Robt. Hunter. Endorsed, Recd., Read 28th April, 1719. Copy. 1½ pp. [C.O. 5, 1051. No. 91.]*

April 28. **167.** Governor Sir N. Lawes to the Council of Trade and Jamaica. Plantations. *Acknowledges* letter of 5th March. I have given H.M. Attorney General the necessary orders to prosecute the affair [*of the money due to the Victualling Office*], *etc.* *Refers to enclosed reply relating to M. Bonfils. (No. i.) Continues:* in which your Lordships will please to observe the difficulty we lye under in prosecuting the offenders in order to render satisfaction to the sufferers. I shall do my utmost to comply with H.M. pleasure in every particular. But I should be glad your Lordships. wou'd do me the honor to explaine in a fuller manner how H.M. pardon to the pirats is to be understood. I have told Mr. Bonfils and other sufferers that whatever goods or effects

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can be proved to be in the hands of any persons under my Government which they can anyways legally claim, that in such case wherever it appeared I would do them all the service in my power to obtain restitution. But your Lordships will please to consider that if the pirats after they have received H.M. pardon for the offence and have not wherewithall to make satisfaction to those they have injured should be clapt up in goal, it would render H.M. gracious intentions towards them in a great measure ineffectual and deter others from coming in, and I am really persuaded the prosecution which has already been commenced against Jennings has had a bad effect not one of the pirats having surrendered to me since that time. The Council of War (v. 24th March) mett on the 7th inst. A copy of my speech to them I send you inclosed: the majority were of opinion that there was no emediate occasion for putting Martial Law in force. Some days agoe Mr. Daniell who acted as Secretary of this Island, died. I have appointed Mr. Baillie to fill up that vacaney (in the manner prescribed by my instructions) till H.M. pleasure be further known, and I make no question but he'l give intire satisfaction and prove a good officer, having behaved himself well ever since I have known him, and as he brought me a letter of recommendation from your Lordsp. *etc.*, so I hope what I have done for him will be intirely agreeable to your Lordsp. There has little else material hapned since my last, only that I have just now received the news of one of our privateers having taken a Spanish privateer and brought her into a harbour on the North side of this Island. I am sorry I have it to say, that H. M. ships of war attending this Island have either been so stationed as not to have been in the way of the pirats and Spaniards, or else have had the misfortune not to meet with them. *Signed*, Nicholas Lawes. *Endorsed*, Reed. 22nd, Read 26th June, 1719. 5 pp. *Enclosed*,

167. i. Extract of letter from Governor Sir N. Lawes to Mr. Secretary Craggs, Jamaica, 28th April, 1719. I have had delivered to me by M. Bonfils your letter of 25th July *etc.*, relating to the capture of the *L'Aimable Marie* said to have been taken by five vessels belonging to this Island, one of which only appeared upon examination to have had a Commission from the Lord A. Hamilton (*vizt.*) Henry Jennings, who gave bond in £1,500. The others having had no commissions consequently gave no security *etc.* But before I received H. M. commands relating to Mr. Bonfils, another French gentleman one Le Gardeur who had likewise been a sufferer by Jennings and had been for some time in this Island solliciting for restitution petitioned me in Council to have his bond delivered up in order to be put in suit, which upon proof made of



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his losses before us, it was accordingly delivered to him and judgment was obtain'd thereupon in the Supream Court of Judicature, from which judgment Jennings has appealed to me in Council, and the suit is now depending : His lawyers seem to be of opinion that as the bond was given to the King, the same is forgiven and included in H. M. pardon which Jennings pleads. I cannot yet informe you how this matter will be determined in Council. But I am afraid the steps which have been already taken with Jennings, which in justice to the sufferers I could not deny, has in some measure rendered H. M. gracious intentions to the pirats ineffectual *etc.*, as in *preceding*, so that I am really apprehensive that prosecutions of this nature may be of dangerous consequence to the publick, and make the pirats desperate who are yet out in great numbers. On the other hand, certain it is, that M. Bonfils and others have been very great sufferers by them. But as H. M. has been graciously pleased to forgive the offence, and they having nothing wherewithall to make satisfaction, I shall advise with the Council and the Attorney Genll. the properest measures to be taken with respect to such prosecutions that H. M. intentions may be rendred effectual, and I shall likewise do Mr. Bonfils and the other sufferers all the service in my power. *Same endorsement.* 3½ pp.

167. ii. The Weekly Jamaica Courant, Numb. xlvii. April 15, 1719. Reports proceedings of a Council of War held 7th April, which rejected H. E.'s proposal to put Martial Law in force, in view of the declaration of war with Spain *etc.* Printed. 4 pp. [C.O. 137, 13. Nos. 31, 31 i., ii. ; and (without enclosures) 138, 16. pp. 215—219].

April 29.  
Whitehall.

168. Council of Trade and Plantations to Governor Johnson. *Acknowledge* letter of 18th June and 12th Dec., 1718. *Continue* :— We have not received any letter of 21st Oct. last referred to in this last. Your accounts relating to the pirates were transmitted to Mr. Secretary Craggs, and your request that a ship of war may be sent for the assistance and protection of your Government having been recommended by us *quote Admiralty No. 155.* We should be glad to have answers from you to the *enclosed* questions, *Annexed*,

168. i. Queries to Collo. Johnson (i.) We desire you to inform us as particularly as you can of the present state of the Province of Carolina. (ii.) What number there is of inhabitants ? How that number is increased or decreased of late years ? and what is the number of the Militia ? What forts or places of defence are

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there in the province, and in what condition are those forts? (iii.) What is the strength of the several Nations of Indians in the neighbourhood of Carolina? and are there inclinations for us or for the French or Spaniards? (iv.) What is the condition of ye Spanish settlement at St. Augustine? What advantage might it be to the Government of Carolina to have this place taken from the Spaniards? and by what means this might be most easily accomplished? (v.) How the French settlements on ye River Mississippi may affect the people of Carolina? whether they have seized the Fort of Pancicola, belonging to the Spaniards and what can be done to prevent any hazard or inconvenience Carolina may be exposed to from these settlements? (vi.) What trade is there in that Province by exportation or importation? How and in what particulars is the trade thereof increased or decreased of late years, and what hath been the reason of such increase or decay? (vii.) What number of ships or other vessels are there belonging to the Province, where built, and what number of seafaring men? (viii.) What manufactures are settled there, of any sort whatsoever. Are there any mines and of what sort? [C.O. 5, 1293. pp. 169—171].

April 29. **169.** H. M. Grant to Robert Cunningham and Judith St. James's. Elizabeth, his wife, of the land in St. Kitts granted to Elizabeth Salenave, her mother, who bequeathed it to them, but died before the Governor passed the patent granted to her for the same, 8th Sept., 1716. (v. C. S. P., 5th May, 1714, 13th May, 1715, etc.) *Countersigned*, J. Craggs. [C.O. 324, 33. pp. 222-227].

April 30. **170.** Mr. Popple to Mr. Lowndes. Desires 50 printed Whitehall. copies of the Act passed in the last Sessions of Parliament in which is the clause relating to pitch and tar, in order to be sent immediately to such of the Governments in America where those commodities are produced. [C.O. 389, 27. p. 108].

April 30. **171.** Governor Philipps to the Council of Trade and Plantations. Since I had the honor of wayting on your Lordships yesterday, have seen Mr. Craggs, who has appoynted Monday next for considering the state of Nova Scotia etc. *Signed*, R. Philipps. *Endorsed*, Recd., Read 30th April, 1719. 1 p. [C.O. 217, 2. No. 65; and 218, 1. p. 397].

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Whitehall.

**172.** Council of Trade and Plantations to Mr. Secretary Craggs. Having lately received letters from Lt. Governor Doucett, and been attended by Governor Philipps, who prays to be dispatched to his command; we desire you will move H.M., that his royal pleasure may be declared upon our Representation of 30th May. We have little to add to it, but the inclosed extracts from Cap. Doucett's and Cap. Aldridge's letters will shew how necessary it is some directions be immediately given on the points laid before H.M.; more particularly as to the sending a Commissary in order to the settlement of ye bounds of that Province, and a man of war for preventing the illegal trade complain'd of in the sd. extracts which the French at present carry on; and to protect ye trade and fishery of H.M. subjects there. As to the presents expected by the Indians, we were of opinion in our former report, that there would be no great necessity of sending them till Col. Philips should have been settled some time in the Governmt. there, but since the making of that report, being informed by repeated advices from those parts that the Indians have been given to hope that we shall treat them at least as well as the French do, who have gained and keep them in their intrest chiefly by presents, we would submit to H.M. whether it may not be for his service, that some cloathing and utensils of small value, should be sent with Col. Philipps, to be distributed to the Chiefs of the Indians if he shall judge it necessary as an earnest of ye favours they may expect on their dutiful behaviour towards H.M. and his Governmt. there. P.S. Enclose papers received from Governor Philipps since the writing of what is above. [C.O. 218, 1. pp. 398-400; and (*duplicates of Nos. 129. i., 137. v., vii., 102. i., and July 23, No. i; and C.S.P. 1718, Dec. 13th, covering letters and enclosures Nos. i., iii., v.; and Nos. 565. v, 635. i.*) 217, 31. Nos. 16, 16. i-xi.]

May [—],  
Antigua.

**173.** Governor Hamilton to the Council of Trade and Plantations. Your Lordship's letter of the 8 of August last I received a few weekes ago, and in obedience to your commands, I shall use my utmost endeavours for answering the querys *etc.* But many will require time to gaine information *etc.*, and therefore I omitt troubling your Lordship's with answering to part, believing it will be more methodicall and satisfactory at once to answer the whole, which I shall do with all the exactness and expedition that the nature of the matter will admitt of, and by the same opertunity I shall transmitt your Lordships the best account I can gett of the time when the Danes first began theire settlement at St. Thomas's *etc.* But it is so long ago, that I fear it won't be possible for me to discover any matters of consequence here in relation to that affaire *etc.* Refers to Sir W. Stapleton's representations *etc.* "Which I presume may be found in the offices at home, from whence it is most

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likely that your Lordship's will gett better intelligence than I can pretend to hope for from hence, in regard transactions of that kind have seldom or ever been put on record in these Islands by former Governours. But if they had, it would now give us but little help, the said records in most of the Islands of that date being destroyed, either by the enemy or hurrieanes. The Governor of Porto Rico never gave any answer to the demand that I made on behalf of H.M. subjeet's that were carried off Crabb Island. However most of them are returned. But all theire effects are kept and detained from them, so that whenever it shall please God to put an end to the warr between the two Crownes, I hope your Lordship's will endeavour to gett restitution to be made to those poor distressed people. I take notice of what your Lordships direct about the Act past at Mountserratt for quieting possessions *etc.*, which I shall communicate to the Councill and Assembly of that Island, to the end they may (if they see fitt) prepare another Act for the same purpose not lyable to the objections against the present *etc.* I formerly communicated to the Assembly of this Island what your Lordship's directed in relation to the Act *to prohibit foreign sugars, etc.*, but as yett have had no answer from them about it, so I have nothing more to offer against the said Acts being disapproved. I now send your Lordship's the rest of the minutes required of me, except that of the Assembly of Mountserratt, which the Clarke has not as yett sent. I also send two copy's of licenees of absence for two Members of H.M. Councill, the one for Azaria Pinney Esqr. of the Island of Nevis, by reason of his great indisposition, the other for William Garrish, Esq., alledging his affaires in Great Britaine required his goeing thither, which forlove's I hope your Lordship's will approve of, Coll. John Bramble being returned to the Island of Mountserratt, who formerly declined serving by reason of his being most part of his time at the Island of St. Christopher's, is now desirous to serve H.M. as one of the Councill for that Island. I intend to order him to be sworne accordingly, he being a person thoroughly well affected to H.M. person and Government, and has a verry considerable estate in that Island, which I hope your Lordships will approve of. *Signed, W. Hamilton. Endorsed, Reed. 7th Aug., Read 16th Sept., 1719. Holograph. 2 pp. Enclosed,*

173. i. Governor Hamilton's licence of absence for William Gerrish for 6 months (*v. preceding*) 18th May, 1719. *Signed and endorsed as preceding. Copy. 1p.*

173. ii. Governor Hamilton's licence of absence for Azariah Pinney for 6 months. *Dated and signed and endorsed as preceding. Copy. 1 p. [C.O. 152, 12. Nos. 152, 152. i, ii.]*

1719.  
May 1.  
Whitehall.

**174.** Council of Trade and Plantations to the King. *Report upon Act of Pennsylvania, 1718, for the advancement of Justice etc.* This Act does allow the Quakers to be Judges, Justices, Jurymen and witnesses in criminal and capital matters upon their taking such a solemn affirmation, as the several Acts of Parliament in Great Britain, would qualify them to be witnesses in civil cases, which affirmation so to be taken is likewise to have ye full effect of an oath in any case whatsoever in that Province: But all persons that shall be convicted of falsly and corruptly affirming or declaring any matter or thing, which if it had been upon oath would have amounted to perjury, are to incur the same penalties as persons convicted of wilful perjury do incur by the laws of Great Britain; and tho' this is a much greater indulgence to the Quakers than is allowed them here, yet considering that almost all the inhabitants of that Province are Quakers, and that without the qualification proposed by this law it will be very difficult if not impossible to have Justice administered there, we have no objection why your Majesty may not be graciously pleased to confirm the said Act. [C.O. 5, 1293. pp. 172, 173.]

May 1.  
Whitehall.

**175.** Mr. Popple to Richard West. Encloses two Acts of Virginia, (i) *for settling the titles and bounds of lands and for preventing unlawful shooting and ranging thereupon* (1713), and (ii) *declaring what shall be accounted a sufficient seating planting cultivating and improving of patented lands etc.* The Council of Trade and Plantations desire your opinion whether lands patented or granted in Virginia before the making the former or either of the said Acts be subject to the penalties of those Acts relating to the not paying of Quit rents, the occasion of this question you will see by the inclos'd extract of Colo. Spotswood's letter dated 22nd Dec. last. [C.O. 5, 1365. pp. 194, 195.]

May 1.  
Whitehall.

**176.** *Same* to John Lloyd, Secretary of the Post Office. If it be thought necessary to send Colo. Spotswood any directions upon the extract of his letter transmitted 22nd Aug., *desires that* it may be communicated to the Board as soon as conveniently can be, their Lordps. being about dispatching their letters to that Colony. [C.O. 5, 1365. pp. 195, 196.]

May 2.  
Whitehall.

**177.** Bryan Wheelock to Richard West, K.C. In absence of Mr. Popple encloses for his opinion thereon two Acts of New York, (1) *reviving an Act for the easier partition of lands in joint tenancy etc.*, (ii) *explaining Acts for granting a supply for support of the Government, 1715, and putting a duty upon vessels etc.*, 1716. [C.O. 5, 1124. p. 90; and (corrected draft) 5, 1079. No. 107.]

1719.

May 5.

**178.** Mr. Popple to Mr. West. Encloses extract from Governor Hamilton's letter, 10th Sept., 1718 (relating to the purchase of negroes from the Dutch). and desires his opinion thereupon. [C.O. 153, 13. p. 407.]

May 6.  
St. James's.

**179.** H.M. Letters Patent continuing the office of "Provost Martial General" of Jamaica to Richard Rigby for life *etc.* Countersigned, J. Craggs. [C.O. 324, 33. pp. 228, 229.]

May 6.

**180.** Mr. West to the Council of Trade and Plantations. *Reply* to May 2. I have no objection to such part of the Act of New York for *reviving an Act for the easier partition of lands, etc.* as only revives that Act *etc.* But I am of opinion that the additional clause is not proper to be pass'd since by that clause all tennants in common without distinguishing the different interests which they may chance to have in their lands after partition made by agreement amongst themselves in writing are to hold their lands *to them and their heirs* whereby a wrong may be done to other persons since a man who is only a tennant in common for terme of life or for years *etc.* with others who are tennants in fee may by the generall words in this clause after having duely executed an agreement for the partition of lands claim to himself an estate to him and his heirs by which means the person entituled to the inheritance after his death or other sooner determination of his estate would be highly injured. I have no objection to the Act explaining the Act *for a supply to be granted to H.M. etc.*, it being sufficiently provided that the inhabitants of Great Brittain should pay no other duty than what the people of New Yorke are lyable to themselves, for the consideration whether the inhabitants of Great Brittain should be subject to any dutys at all by virtue of their Acts of Assembly is proper to be determined only by your Lordships. *Signed*, Richd. West. *Endorsed*, Recd. 6th., Read 8th May, 1719. 5½ pp. [C.O. 5, 1051. No. 92; and 5, 1124. pp. 92, 93.]

May 7.

St. James's.

**181.** Mr. Secretary Craggs to the Council of Trade and Plantations. Refers following for their report. *Signed*, J. Craggs. *Endorsed*, Recd. Read 15th May, 1719. ¼ p. *Overleaf*,

181. i. Petition of Lord A. Hamilton to the King. Prays H.M. directions for the payment of his share in the prize *Kensington*, which he deposited with the Provost Marshal, upon application of the Spanish agent, no appeal having been entered. (*v. supra.*) 1 p.

181. ii. Receipt of the Provost Marshal of Jamaica for the money deposited and referred to in preceding. St. Jago Delavega, 18th Sept. 1716. *Signed*, James Rigby. ½ p. [C.O. 137, 13. Nos. 26, 26. i., ii.; and (*without enclosure ii*) 138, 16. pp. 179-182.]

1719.  
May 7. Whitehall. **182.** Mr. Popple to Mr. Carkesse. Enclodes Act of the Massachusetts Bay, 1716, *stating the fees of the Custom House Officers within that Province*, and enquires whether the Commrs. of Customs have any objection thereto. [C.O. 5, 915. p. 271.]
- May 7. Whitehall. **183.** Mr. Popple to Mr. Burchett. Enclodes Act of the Massachusetts Bay, 1716, *in addition to the Act for regulating fees etc.*, and enquires whether the Lords Commrs. of the Admiralty have any objection to the fees of the officers of the Court of Admiralty stated therein *etc.* [C.O. 5, 915. pp. 270, 271.]
- May 8. Admiralty Office. **184.** Mr. Burchett to Mr. Popple. *Reply to preceding.* My Lords Commrs. have no objections to the fees thus established, *etc.* Signed, J. Burchett. Endorsed, Recd. 9th., Read 27th May, 1719. Addressed. 1 p. [C.O. 5, 867. No. 36; and 5, 915. pp. 271, 272.]
- May 8. Generall Post Office. **185.** Mr. Lloyd to Mr. Popple. *Reply to 1st May.* The Postmrs. General do not think it necessary for the Lords Commissrs. of Trade and Plantations to give any directions to Col. Spotswood upon the extract of his letter: but as he has acted for the benefit of H.M. Revenue by refusing his assent to a bill that would have discouraged the Post Office at Virginia, it is hoped he will receive their Lordships approbation. Signed, John Lloyd. Endorsed, Recd. 8th May, Read 18th June, 1719. 1 p. [C.O. 5, 1318. No. 65.]
- May 9. St. James's. **186.** Order of King in Council. Appointing Cole Digges to the Council of Virginia, as recommended 10th April. Signed, Robert Hales. Endorsed, Recd. 22nd, Read 27th May, 1719. 1 p. [C.O. 5, 1318. No. 63.]
- May 11. **187.** Memorandum of Commission appointing the Earl of Westmorland a Lord Commissioner of Trade in the room of the Earl of Holderness. Endorsed, Recd. Read 27th May, 1719. Slip. [C.O. 388, 77. No. 57.]
- May 14. Pennsylvania. **188.** Lt. Governor Keith to Mr. Secretary Craggs. Originals of Nos. 285 i-iv. q.v. [C.O. 5, 1266. Nos. 2, 2. i-iii.]
- May 15. Albany. **189.** Capt. John and Frances Riggs to Charles Delafaye. *Return thanks for Commission received etc. (v. 2nd Feb.). Continue:* Heare is posted twoo compenyes, and wee keepe in each of the two garrisons on ye frontears, at Schennectady and Fort Hunter in ye Mohacks Countrye, a Leiut. with a sargent corporall and droom, with 20 privett sentinalls, who receaves there orders from mee *etc. as Ap. 18 etc.* Signed, John and Fra. Riggs. 1 p. [C.O. 5, 1092. No. 8.]

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May 18.  
N. York.

**190.** Governor Hunter to Charles Delafay. I have receiv'd your two most obligeing letters. It is no small comfort to me that some men of merit think me worth room in their remembrance. *Refers to* his friendship for his brother Riggs, upon his account, *etc.*, and the death of Col. Ingoldsby. "I have given that commission to Henry Holland, who is undoubtedly best intitled to it by his service and conduct. For Simms who would have upon the same grounds contested it with Riggs can claime by neither. I beg you'll assist me in this matter, *etc.* I have supply'd the other two vacanecys by the half pay officers who I judg'd were best intitled and best deserv'd," *etc.* Signed, Ro. Hunter. *Holograph.* 3 pp. [C.O. 5, 1092. No. 9].

May 18.  
Admiralty  
Office.

**191.** Mr. Burchett to Mr. Popple. *H.M.S. Swallow*, Capt. Chaloner Ogle, and the *Seahorse*, Capt. Wm. Martin, being design'd convoy to Newfoundland this year, *etc.*, asks for Instructions and Heads of Enquiry for Capt. Ogle, Commodore, as usual. Signed, J. Burchett. *Endorsed*, Reed. 18th, Read 27th May, 1719.  $\frac{3}{4}$  p. [C.O. 194, 6. No. 61; and 195, 6. p. 499].

May 18.  
N. York.

**192.** Governor Hunter to Mr. Popple. *Abstract.* Hopes to sail soon for London. Will send next week the Acts past in New Jersey, wt. the Minutes of Council and Assembly. They have continu'd the support of Govt. there for two years, but he could not prevaile upon their stingy nature to establish an agent. He was bedrid dureing all that session and but partly recover'd now and has no hopes but in Aix la Chapelle. "Cox has writt to his friends that he has had a full hearing in Council. If he has new matter it were but just that I should be acquainted with it, if none I have answer'd the old but I am weary of this life." Hopes for orders relating "to the warr proclaim'd to the Southward." "Pray send over the Attorney Genl.'s opinion on ye whale fishing. I have surceas'd all demands on that score 'til I know what it is. The Assembly here is now mett and probably will continue the Revenue but I am afray'd only for a time, for they begin to smoake my design in spite of all my disguise. I hope I shall leave these Provinces in the condition they now are that is perfect peace and a good disposition, and that I shall be more able to serve Mr. Bampffield and his interests on the other side then I have been on this," *etc.* Set out, N.Y. Col. Does. V. 521. Signed, Ro. Hunter. *Endorsed*, Reed. 29th June, 1719. Read 16th Aug., 1720. *Holograph.*  $3\frac{1}{2}$  pp. [C.O. 5. 1052. ff. 46-47 r.].

May 18.  
Admiralty  
Office.

**193.** Mr. Burchett to Mr. Popple. *H.M.S. Mary*, Captn. Edward Vernon, and *Mermaid*, Captn. John Yeo, are bound to Jamaica. Captain Vernon is to take under his command



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the *Diamond*, *Ludlow Castle* and *Happy* sloop, now there, for the protection of the Island and the Trade. *Signed*, J. Burchett. *Endorsed*, Reed. 18th, Read 27th, May, 1719. *Addressed*. 1 p. [C.O. 137, 13. No. 27].

May 22.  
Whitehall.

**194.** Mr. Secretary Craggs to the Board of Ordnance. Encloses copy of Orders to the Governor of Placentia, (v. 20th April). *Signed*, J. Craggs. [C.O. 324, 33. p. 221.]

May 23.  
Boston.

**195.** Mr. Cumings to the Council of Trade and Plantations. *Encloses* sample of the wool of this country. The best sells at 2s. pr. lb. retail, *etc.* *Continues* : About 200,000 wgt. of wool is produced in a year, mostly upon Islands. A præmium of 3d. pr. lb. to the importer into Great Britain wold very much diminish the woolen manufactures here, *etc.* The fortifications are gone to ruine. except the Castle att the entrance of this harbour, where 30 men is now kept. but 100 required *etc.* The forts att Salem and Marblehead are all gone to ruine which requires a considerable defence being the two chief ports *etc.*, and whereas this Government has issued £150,000 loan money att 5 p.c. interest, *proposes* that the interest be applyed for building forts att Salem and Marblehead and repairing the batteries of Boston *etc.* *Encloses* exports from Boston, Midsummer—Christmas, 1718. If the duty upon hopps was lessened this country might send a considerable quantity yearly.

*Exports* :—hops, 100 bags ; oyl, 1233 brls. ; whalebone, 5 bundles ; sturgeon, 195 kegs ; rozen, 149 brls. ; rice, 91 brls. ; pitch, 3408 brls. ; tarr, 6830 brls. ; turpentine, 5536 brls. ; fustick, 63 tuns ; logwood, 11 $\frac{3}{4}$  tuns ; brazeletto, 20 $\frac{3}{4}$  tuns ; suger, 11 hhds., 26 teirces, 61 brls. ; indigo, 15 brls., 4 boxes ; staves, 400,000.

*Imports* :—Wines, from Madera, 186 pipes, from Fyall, 189 pipes ; Foreign growth, from Cape François, molosses, 114 casks, suger, 4 brls. ; from St. Thomas, 58 bags cotton wooll, lignum vitæ, 5 tuns ; brazeletto wood, 1 tun 3 ct. ; molosses, 8 teirces ; white suger, 5 hhds. ; suger, 26 hhds., 47 brls., cocoa nutts, 16 bags and 2000 wgt. From Suriname, indigo, 1 brl. ; rume, 2 hhds., 2 trs., 6 brls. ; suger, 17 brls. ; molosses, 367 hhds. and teirces. *Proposes* appointment of Inspector General of Imports and Exports of the Continent *etc.* *Signed*, Arehd. Cumings. *Endorsed*, Reed. 16th, Read 23rd July, 1719. 1 $\frac{3}{4}$  pp. [C.O. 5, 867. Nos. 41 and (duplicate, endorsed, Reed. 10th, Read 18th Nov., 1719) 56 ; and 5, 915. pp. 294-297].

May 26.  
Whitehall.

**196.** Order of Lords Justices in Council. Repealing Act of the Massachusetts Bay for *granting an impost and tonnage of shipping etc.* v. 24th April. *Signed*, Edward Southwell. *Endorsed*, Reed. 30th June, Read 3rd July, 1719. 1 $\frac{1}{4}$  pp. [C.O. 5, 867. No. 39 ; and 5, 915. pp. 288, 289].

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May 26.  
Whitehall.

**197.** Order of Lords Justices in Council. Mr. Secretary Craggs is to write to the Governor of the Massachusetts Bay in conformity to the Report of 24th April, 1719, and give him a severe reprimand for consenting to the passing of the *above* Act so contrary to his Instructions and to the laws and interest of England. *Signed and endorsed as preceding.* 1 p. *Set out,* A.P.C. II. No. 1315. [*C.O.* 5, 867. No. 40; and 5, 915. pp. 289, 290].

May 26.  
Whitehall.

**198.** Order of Lords Justices in Council. Approving Representations of Nov. 14, 1718, and April, 16, 1719 (*q.v.*) and repealing two Acts of Jamaica, with Instruction to Governor, as therein proposed. *Signed,* Edward Southwell. *Endorsed,* Reed. 30th June, Read 3rd July, 1719. 1 $\frac{3}{4}$  pp. [*C.O.* 137, 13. No. 32; and 138, 16. pp. 221-224].

May 26.  
Virginia.

**199.** Lt. Governor Spotswood to the Council of Trade and Plantations. *Encloses* Addresses in his favour, etc., and Journals of Assembly and Council, the latter showing that the Council on Dec. 9th more plainly yielded up their pretensions to the sole right of sitting Judges in the Court of Oyer and Terminer. "Upon which I appointed them without any other associates to be Judges of the Court held the next day." Only two of the eight Councillors who insisted on being sole Judges in criminal cases would sit on the trial of divers pirates, the reason being that there is £100 sterl. to be shared among the Judges in the Courts of Oyer and Terminer, and for the trial of pirates nothing at all. *Proposes* that the former allowance be discontinued, and that an establishment be made for Judges to try pirates, those trials being of much more consequence *etc.* *Encloses accounts.* The sale of rights for land comes to £300 last year, three times as much as before the last regulation. The account of the tobacco levied by the poll since 1715 amounts to no more than 7 $\frac{1}{4}$  lb. on every tithable person for the three years. Of the whole revenues of this Colony, after finishing a house for the Governor, assisting North Carolina in their Indian war, fortifying their own frontiers, building a magazine, prison, contributing towards the building a Church at Williamsburg, and paying the rewards for suppressing of pirates, there is a bank of £17,872 0 10 $\frac{3}{4}$  remaining for the publick service. A country so rich in its publick Treasury and so moderate in its taxes cannot be groaning under such grievous oppressions as some of its Representatives would falsely insinuate. *Claims* his part in bringing the country to this flourishing condition from the state of poverty and debt wherein he found it. The effects of Thach the pirate have been condemned by the Court of Vice Admiralty and sold at public auction. *Encloses account,* as there is likely to be some controversy about the property of those goods, being taken in a

1719.

French ship, E. of Bermuda, and brought into N. Carolina. If the owners make out their property, the produce must be paid to them. But there is an unexpected pretension set up by the Government of North Carolina to these goods, as being taken within the seas and off the soil of the Lords Proprietors *etc.* They suffered those goods to remain in the possession of that piratical crew for divers months, some in chief stations having had too much correspondence with them, particularly one who held the office of Secretary, Chief Justice, one of the Council and Collector of the Customs *etc.* The Colony continues in peace on its frontiers, and flourishing in its trade, and except for a few malcontents impatient to see the effect of disturbances they have been fomenting, none of H.M. Dominions enjoys a more perfect tranquillity. *Abstract. Set out, Spotswood Papers, II. 323; and N.C. Col. Rec. II. 336. Signed, A. Spotswood. Endorsed, Reed. 9th July, 1719, Read 15th June, 1720. 6 $\frac{3}{4}$  pp. Enclosed,*

199. i. Account of H.M. Quit Rents of Virginia, April 1718-1719. *Total, Receipts, including balance of £5,529 brought forward, £8,367 14s. 10d. Expenditure, £1,576 7s. 2 $\frac{1}{2}$ d. Signed, J. Roscow, R<sup>r</sup>. Genll., John Grymes, Dy. Audr., A. Spotswood. Same endorsement. 4 pp.*
199. ii. Account of H.M. Revenue of 2s. per hhd., 29th April, 25th Oct., 1718. *Totals, Receipts, £3,246 1s. 1 $\frac{1}{4}$ d. Expenditure, £2762 6s. 0 $\frac{3}{4}$ d. Signed and endorsed as preceding. 2 pp.*
199. iii. Account of H.M. Revenue of 2s. per hhd. 25th Oct. 1718—25th April, 1719. *Totals, Receipts, (including balance) £1743 19s. 4d. Expenditure, £1633 0s. 6 $\frac{1}{4}$ d. Signed and endorsed as preceding. 2 pp.*
199. iv. Account of H.M. duties on liquors and slaves, Dec. 10th, 1710-1718. *Totals, Receipts, £27,840 14s. 7d. Expenditure, £9,968 13s. 8 $\frac{1}{4}$ d. (for the Governor's house, £4,685 17s. 6 $\frac{1}{2}$ d.; Carolina Fund, £1,264 15s. 7 $\frac{1}{4}$ d.; Bruton Church £200; Prison £200 *etc.*) Balance, £27,840. Signed, Peter Beverley, Treasurer. Same endorsement. 1 large p.*
199. v. Account of the public tobacco levy, 7th Sept. 1715—Nov. 29th, 1718. *Receipts, By owners of runaways, 30,000 lb. By a levy of 7 $\frac{1}{4}$  pr. poll on 33,732 tithables, 244,557 lb. Total, 274,557 lb. Balance, 2938 lb. Signed, Miles Cary, Cl. Com. Claims. Same endorsement.  $\frac{1}{2}$  p.*
199. vi. Naval Officer's accounts of imports from Madeira and the Western Islands. *Nil. Signed, Thomas Lee, Naval Officer. Same endorsement. 1 p.*

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199. vii (a) Copies of Addresses from the Counties of Virginia, the Clergy in Convention, the Grand Jury, and the Masters of William and Mary College to Lt. Governor Spotswood, repudiating the charges of the Burgesses against him.
- (b) Address of the Grand Jury of Virginia to the King, to the same effect.
- (c) Address of Masters of vessels and others trading to and inhabiting North Carolina to Lt. Governor Spotswood. Return thanks for his action in destroying pirates, after application had been made without effect to some in principal authority there. Owing to the robberies committed by the pirates harbouring in that Government, few durst venture vessels or effects thither; by which means in less than a twelve months merchandizes were advanced more than cent pr. cent for want of a timely supply etc.
- (d) Letter of thanks from the Governor and Council of Maryland to Lt. Governor Spotswood, acknowledging the obligation of the good people of Maryland for his efforts to destroy the pirates in Carolina. Resolution of Council for the writing of above letter. Annapolis, 9th March, 1715. *Signed*, Jo. Hart. *The whole endorsed as preceding.* 30 pp. [C.O. 5, 1318. Nos. 72, 72. i.-vii.]

May 26. **200.** Governor Hunter to Mr. Delafaye. *Refers to 18th*  
N. York. May. *Continues*:—This is to the same purpose to beg your assistance and intrest with your friends and mine to procure commissions for the persons whom I have plac'd in vacaneyes according to my standing orders etc. Riggs is happy to his heart's content etc. *Signed*, Ro. Hunter. *Endorsed*, R. 9th July, 1719. *Holograph.* 2 pp. [C.O. 5, 1092. No. 10.]

May 26. **201.** Order of Lords Justices in Council. Repealing Act  
Whitehall. of New York *for shortening of lawsuits and regulating the practice of the law*, 1714; and two Acts of Antego, (i) *to prohibit the importation of French and other foreign sugars, rum, cotton and molosses*, 1716, and (ii) *for laying an additional duty upon wines and other strong liquors imported*, 1718. *Signed*, Edward Southwell. *Endorsed*, Recd. 30th June, Read 3rd July, 1719. 1½ pp. [C.O. 5, 1051. No. 93; and 5, 1124. pp. 109, 110.]

May 26. **202.** Order of Lords Justices in Council. Confirming Act  
Whitehall. of Pennsylvania *for the advancement of Justice* (v. 1st May). *Set out*, Penn. Col. Rec. III. 70. *Signed*, Edward Southwell. *Endorsed*, Recd. 1st., Read 3rd July, 1719. 1½ pp. [C.O. 5, 1265. No. 125; and 5. 1293. pp. 204, 205.]

1719.

May 27.  
N. York.

**203.** Governor Hunter to the Council of Trade and Plantations. *Encloses following* and Minutes of Council and Assembly of New Jersey. *Proposes* to attend the Board, and make use of his six months leave of absence, his ill state of health absolutely requiring it *etc.* "The Acts for running the division lines in the Jerseys were after long deliberation framed and agreed to by all the Proprietors or their agents and Representatives of both Provinces and pass'd at their earnest desire *etc.* I left nothing undone to have them perfected, judging them absolutely necessary for the peace and highly for the interest of that Province," *etc.* *Set out*, N. J. Archives, 1st Ser. IV. 386. *Signed*, Ro Hunter. *Endorsed*, Reed. 7th July, 1719. Read 30th Aug. 1720. *Holograph.* 2 pp. *Enclosed*,

203. i. Act of New Jersey for the support of the Government for two years *etc.* Perth Amboy, 1718. *Printed.* 12½ pp. [C.O. 5, 971. Nos. 83, 83. i.]

May 27.  
Nassau on  
Providence.

**204.** Governor Rogers to Mr. Popple. *Acknowledges* letter of 15th Nov. *etc.* It would have been extremely necessary for the security of these Islands had we been so happy to have got another Independ. Company immediately sent to us according to their Lordships' representation. We being so near the Spaniards that they may be suddenly upon us and there's no dependence on ye people here, the continual fears of their attacking us has kept a great many good and substantial people from coming to settle here, for there is no fear of these Islands being well settled after they are made secure. Yesterday one of our privateers that was cruizing off the Havanna came here and gave us a certain accot. that the Spaniards were fitting out seven sloops two brigantines and two galleys wth. 1500 men to attack us and we expect them daily. and I am as well prepared as my number will allow for, I doubt we shan't be above 300 men to withstand ym. not long since they equipp'd a greater force but three of their ships being lost and hearing of a war put a stop to their design. I think wee have been very ill served for I have wrot to all parts around us in our extremity and have had no other man of war here but the *Deal Castle* who stopt wth. H.M. packet since Capts. Chamberlain and Whiting left me in that deplorable condition. I suppose Sr. the map you mention is in one of the co-partners hands who long before this has deld. it to their Lordships, and I have now sent another to describe a new harbour I have found out near this fit for a fifty gun ship. I am very glad you mention the charge in confirming the Council wth. tho the best I could then have, I never design'd any charge on them. We very much want an assembly there having some few more people arrived since. I think the following persons are the fittest for the King's Council here ;—James Gohier, Robt. Beauchamp, Wm. Fairfax, Thos,

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Walker, Edwd. Holmes, Rd. Thompson, Nathl. Taylor, Wm. Spatches, John Penniston, Peter Courrant, Saml. Watkins, John Ollyffe. I have now sent home copys of the Council Book together with a tryal of a fellow I was forced to condemn and hang for robbing and burning a house the vilest of practices being too common here, I could not avoid making this example, and I hope if for want of lawyers our forms are something defficient I am fully satisfied, we have not err'd in justice. I depend you have recd. the copy of the tryal of the pirate so that I do not trouble their Lordships with it by ys. conveyance. Mr. Beauchamp had probably been in Engld. had not the news of a war kept him here till now and the accot. we now have of this designe of the Spaniards still detainies him longer. I can't yet find cause to covet any employ here unless we have the good fortune to beat back the Spaniards then I hope Mr. Beauchamp will be acceptable at home and instead of one we shall have two Independent Companyes added to this guarrison to make the place secure enough to curb the Spaniards and prevent piracy, for I can't see ther's any dependence on our ships of war in these parts *etc.* *Has written to Mr. Secretary Craggs, etc.* *Signed, Woodes Rogers. Endorsed, Recd. 15th., Read 16th July, 1719. 3 pp. Enclosed,*

204. i. *Duplicate of No. 205. iii.*

204. ii. Minutes of Council of the Bahama Islands, 14th Nov. 1718—19th May, 1719. 12 pp.

204. iii. Address of the Governor, Council and principal inhabitants of the Bahama Islands to the King. *Pray for H.M. further support etc.* We doubt not but the remonstrances from Jamaica and most of your Majesty's Governments will for the future oblige the Commanders of the ships of war to a stricter execution of their orders which would very much contribute to the security of your Majesty's Colonys, and prevention of pyarcy. The unavoidable charge that the works of the fortification have obliged us to be at, has been as frugally applied as the miserable circumstances of the place could allow; and the interest of several worthy gentlemen adventured hither, was considerably made use of to secure this settlement in the most dangerous times *etc.* *Pray that the charge may be laid before Parliament and reimbursed. 1¼ pp.*

204. iv. Minutes of the Council of the Bahama Islands, 26th May, 1719. Accounts for the fortifications, £11,344 2s. 3d. passed *etc.* 1½ pp. *Endorsed, Recd. 15th., Read 16th July, 1719. 1½ pp. [C.O. 23, 1. Nos. 14, 14, i.-iv.]*

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May 27.  
Nassau on  
Providence.

205. Governor Rogers to Mr. Secretary Craggs. I wrote you by two conveyances, since I had the honour of yours by the *Deale Castle*, and ye *Samuel* of the 24th Dec. The *Samuel* has stay'd here longer than we expected, and would have continued yet a few days, had not the enclos'd accot. came to my hands yesterday by wch. I may expect to be soon attacked and am preparing to make the best defence I can. I doubt I shall scarce be able to gett together above 300 men, were we but 200 more being well prepar'd, I should not be under any great concern for this Spanish Expedition. Sr. I have always been as particular as I could to you, and have represented everything to the best of my knowledge, and I am sorry H.M. ships of war in these parts has had so little regard for this infant Colony. We have had none but the *Deal Castle* as a packett ever since the first of our arrival, tho' I wrote to Jamaica and all parts around us for assistance, when we had great reason to expect we should not be able to withstand our enemys without their assistance, but the Spaniards loosing three of their best ships design'd for this place, and hearing the news of a war immediatly upon it made them then lay aside their design and disperse 3 or 4000 men they had ready at several places to joyne and attack us. I have been at a great expence to preserve this place from the Spaniards or pirates, an accot. of wch. is now sent home to the Gentm. concern'd, and I hope H.M. will consider the necessity I was under to do wt. I have done, and that the Parliamt. will re-imburse what is so apparently laid out for the publick good *etc.* Signed, Woodes Rogers. 2 pp. Enclosed,

205. i. Trial of William Whaling, *als.* Whaley, for stealing goods belonging to Mathew Musson, Gent., and William Hewson, Mariner, from the house of John Peardon and setting fire to the said house. March 4th, 1718 (1719). The prisoner was found guilty and hanged. Copy. 6½ pp.

205. ii. Minutes of Council of the Bahama Islands, 14th Nov., 1718—26th May, 1719. 13 pp.

205. iii. Deposition of William South, Commander of the privateer sloop *Endeavour* of New Providence. May 27, 1719. After an engagement with a Jamaica privateer who pretended to take him for a Spaniard, deponent picked up Charles, son of Thomas Walker, of N. Providence, off the Havana, who had been a prisoner and just made his escape in a canoe to bring intelligence that the Spaniards had already fitted for sea two galleys, two brigantines, and seven sloops on board of wch. were design'd to be imbarqu'd 1500 men on purpose to dislodge ye English from this settlemt. because they think them too near neighbours *etc.* Capt. Leigh Ashworth, the Jamaican privateer,

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forced Cha. Walker to go with him as his pilot *etc.*  
*Signed*, William South. 1½ pp. [C.O. 23, 13.  
 ff. 40-54.]

- May 27. **206.** Mr. West to the Council of Trade and Plantations. I have consider'd the question whether an Assembly under adjournment or prorogation may be prorogued without a meeting according to such previous adjournment or prorogation. And I am clearly of opinion that it may, *etc.* It may be made a question whether the Generall Assemblys of the severall Provinces in the West Indies may be entituled to those priviledges which are claim'd by, and have by the Crown been allow'd to, the Parliaments of England; But it is most certain that the Prærogative in relation to their General Assemblys is at least as extensive as it ever was in England in respect to our Parliaments; and this Prærogative of the Crown whatever the extent of it may be, every Governor by his Commission is impowred to exercise in his particular Province. The Prærogative in the West Indies unless where it is abridg'd by grants *etc.* made to the inhabitants of the respective Provinces is that power over the subjects (consider'd either separatly or collectively by their Representatives) which by the Common Law of the land abstracted from all Acts of Parliaments and grants of libertyes *etc.* from the Crown to the subjects the King cou'd rightfully exercise in England. The only point of Prerogative which this question relates to is that power which the Crown has of summoning proroguing, *etc.* of Parliaments; and this branch of the Prerogative does at this time subsist entirely upon the foot of the Common Law and Custom of Parliaments which in this respect must be consider'd as part of the Common Law, which has never been in this particular anywise abridg'd or circumscrib'd by any Act of Parliament. And therefore if the affirmative part of the question is impracticable in England it is impossible a Governor should be impower'd to practice it in America. The determination of this question therefore depends entirely upon the Customes of our English Parliaments *etc.* *States practice of Parliament in this particular, and describes writ of prorogation, which is general, like a proclamation etc.* *Signed*, Richd. West. *Endorsed*, Recd. Read June 5th, 1719. 9 pp. [C.O. 323, 7. No. 156; and 324, 10. pp. 243—250.]
- May 28. **207.** Governor Hunter to Mr. Popple. *Encloses Act of*  
 New York. New Jersey *for the support of the Government for two years.*  
*Signed*, Ro. Hunter. *Endorsed*, Recd. 7th July, 1719. Read  
 30th Aug., 1720. ¾ p. [C.O. 5, 971. No. 82.]
- May 28. **208.** Mr. Delafaye to the Council of Trade and Plantations.  
 Whitehall. I am commanded by the Lords Justices to send your Lordps.  
 the enclosed *etc.* Actions [*of the nature complained of*] on either



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side besides the injustice of them are at this juncture especially of very ill consequence, as they administer cause of discontent and give a handle to ill disposed persons to sow jealousys between the two nations whose mutual interest is to cultivate a strict union with each other ; and as a delay of redress would still be a greater aggravation, their Exceys. recommend it to you to give particular attention and dispatch to this affair, and report your opinion for their Exceys. that if Monsr. Hiriberry's complaint is well founded, justice may be done him, and if it is not, a satisfactory answer may be given to the Abbé du Bois, and the complainant may have no cause to suspect a want of inclination to do him right if he has been really injured. *Signed*, Ch. Delafaye. *Endorsed*, Recd. 1st., Read 2nd June, 1719.  $1\frac{1}{4}$  pp. *Enclosed*,

208. i. M. l'Abbé Dubois to Mr. Secretary Craggs. It is some time since your Excellency was informed of the complaints laid by the Governor of Isle Royale of the depredations at Canceau of Capt. Smart *etc.* *Demands* prompt justice and reparation without waiting for the meeting of the Boundary Commission, since it is an independant matter *etc.* In cases where the French have done any damage to the English reparation has been speedily made *etc.* *Refers to enclosures* ii. and iv. Le Sr. de Hiriberry has been the principal sufferer, *etc.* v. No. iv. *Signed*, Dubois. *Copy. French.*  $1\frac{1}{2}$  pp.

208. ii. Extract of letter from M. St. Ovide and M. Soubras. Isle Royale, Jan. 9th (N.S.), 1719. Since the depredations of the English at Canceau, an inhabitant of Isle Madame by way of reprisal has taken a small English sloop at Canceau. Upon complaints laid by the English, orders have been given that he should restore the boat, pay during the fishing season the amount at which the plunder is valued, and also be punished. *French.*  $\frac{1}{2}$  p.

208. iii. Coloured Map of part of Cape Breton, Isle Madame and Cape Canceau, showing that Canceau, separated from the mainland of Nova Scotia by a small arm of the sea, is an island, and, like Cape Breton and all the other Islands situated in the mouth and Gulf of St. Lawrence, belongs to the French by the 13th Article of the Treaty of Utrecht. The English have seized 200,000 livres worth of plunder and inflicted damage on the French to the extent of 500,000 *livres*. 1 p.

208. iv. Petition of Joannis de Hiriberry, merchant of St. John de Luz, to the Duc d'Orleans, Regent. Petitioner arrived at the Island of Canceau the same day, 17th Sept. 1718, as an English frigate of 26 guns, M. Cinarique Commander. He visited Mm.

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Harembourg, Petit-pas, La Sonde, Descontes, Pierre Bois and five or six other French merchants and inhabitants. On returning from Louis-Bourg, Sept. 29, the English attacked and made prisoners of the French and seized all their effects, in spite of the protests of petitioner who maintained that the Island of Canceau belonged to France *etc. argued etc. Same endorsement. 4 large printed pp.* [C.O. 217, 2. Nos. 66, 66 i.-iv. ; and (without enclosures) 218, 1. pp. 401, 402 ; and (encl. iii.) M.P.G. 174.]

May 29.  
Nassau on  
Providence.

**209.** Governor Rogers to the Council of Trade and Plantations. *Refers to* letter of 27th, *and urges* question of charges mentioned in Address, No. 204. iii. *Continues* : We have never been free from apprehensions of danger from pirates and Spaniards, and I can only impute these causes to the want of a stationed ship of war, till we really can be strong enough to defend ourselves. I am in hopes the ensuing Parliament will not only repay the expence laid out according to the account sent to the gentlemen co-partners wth. hopes of their sollicitation, but also provide a fund to add and support two other Independant Companys till inhabitants enough come whereof to form a Militia, and such we cannot expect till this Settlement is made capable to protect them, the uncertainty of which has hitherto prevented people's coming, wch. at first were assur'd to us. I confess myself instrumental in making these expences, but when considered that we have been only supported by such measures I am in hopes none will set the prospect of maintaining these Islands at a lower rate, and I have found by experience that the subsistance allowed at home for the guarrison is very short of what is necessarily wanted whilst provisions are both difficult to be had and dearly bought, and it will be very heavy on me to support ye guarrison till I know on wt. foot I must stand. In my letter to Mr. Popple I gave a list of ye best that can be pick'd out for a Council here but few of them that I found here has any notion of honour further then proffit and therefore I doubt they'l scarce pay the common fees of their mandamus. This place if encourag'd will none questions answer all yt. your Lordships expected but I can't say there's any great hopes of the honesty or industry of the much greater part of ye people and better will not come till the place is in a posture of defence. I hope your Lordships will pardon my troubling you with but a few instances of the people I have to govern who though they expect the enemy that has surprized them wthin. this fifteen years 34 times yet these wreches can't be kept to watch at night and when they do they come very seldom sober and rarely awake all night, though our officers or soldiers very often surprize their guard and carry off their armes, and I punish, fine, or confine them almost every day.

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Then for work they mortally hate it for when they have clear'd a patch that will supply them with potatoes and yams and very little else fish being so plenty and either turtle or goanas on the neighbouring islands, they eat ym. instead of meat, and covet no stock of cattle but thus live poorly and indolently wth. a seeming content and pray for nothing but wrecks or the pirates, and few of them have an opinion of a regular orderly life under any sort of Governmt. and would rather spend all they have at a punch house then pay me one tenth to save their familys and all yts. dear to them. The tax yt. I advised your Lordships they had agreed to pay to the fortifications (though but a trifle had they been industrious) was the greatest grevance they ever met wthall. and did not hold three weeks, for I was glad to keep them in humour without money, and had not I took another method of eating, drinking and working wth. them myself, officers, and soldiers, sailors, and passengers and watch at the same time whilst they were drunk and drowsey, I could never have got the fort in any posture of defence, neither would they willingly kept themselves or me from the pirates if the expectation of a war with Spain had not been perpetually kept up and improved before I was certain of it, to make them do some work, after the ships of war left us, and whilst they was here we was to sickly to do any work. It was as bad as treason is in England to declare our designe of fortifying was to keep out the pirates if they were willing to come in and say they would be honest and live under Governmt. as we called it even then. I ask your Lordships pardon if I am too prolix, but the anxiety I am in *etc.* I hope will plead for me, and henceforward I'll endeavour to send copys of all I write to your Lordships and the Secretary of State, wch. now and at some other times I have not had the leasure to do. *Signed, Woodes Rogers. Endorsed, Reed. 15th., Read 16th. July, 1719. 3 pp. [C.O. 23, 1. No. 15.]*

- May 30.** **210.** Governor Lowther to Mr. Popple. *Reply to 18th Barbado's. March.* I hope malicious and groundless complaints will not carry the point my enemy's aim at. How just the complaints of the Portuguese and Society are, I shall leave to the Lords of Trade *etc.*, the whole matter of fact relating thereto being enter'd in the Minutes of Council herewith sent *etc.* *Signed, Rob. Lowther. Endorsed, Reed. 28th July. Read 30th Sept., 1719. Holograph. Addressed. 1 p. Enclosed,*
- 210. i.** List of public papers enclosed in preceding. *Same endorsement. 3½ pp. [C.O. 28, 15. Nos. 53, 53. i.]*

- June 1.** **211.** Mr. Popple to Jeremiah Dummer. Asks for papers relating to H.M.S. *Squirrel* in Nova Scotia, v 1st Jan. *[C.O. Whitehall. 218, 1. p. 401.]*

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June 2.  
Whitehall.

**212.** Mr. Delafaye to the Council of Trade and Plantations. Col. Philips being on his departure *etc.*, you are to prepare the draughts for his Commission and Instructions forthwith for the approbation of the Lords Justices, and a representation of whatever else you think necessary for enabling him to discharge his trust, and for the furtherance of H.M. service and the improvement of that Colony *etc.* *Signed*, Cha. Delafaye. *Endorsed*, Reed., Read 3rd June, 1719. 1 p. [C.O. 217, 2. No. 67; and 218, 1. p. 403.]

[June 2.] **213.** Papers relating to the proceedings of H.M.S. *Squirrel* on the coast of Nova Scotia.

213. i. (a) Deposition of Nathaniel Cunningham. In Aug. last at the Island of Canceau, I told M. Le Sond the French would not be allowed to fish there another year, for the Articles of Peace had left it in our favour *etc.* He swore that if the French did not, the English shd. never fish there more. Boston, Oct. 27, 1718. *Signed*, Nathl. Cunningham.

213. i. (b) Deposition of Giles Hall and William Walter. Relates a quarrel with Bernard Le Sond, Cape Canso, 1717, the latter claiming it as French ground and threatening to complain to the Governor of St. Peter's who had written to him that if the English do carry or ship any French men in their services, the French and Indians would come and cut them off *etc.* Boston, Oct. 30, 1718. *Signed*, Giles Hall, Wm. Walter.

213. i. (c) Deposition of John Henshaw and Jonathan Rowse. Some time in May, 1718, Govr. St. Ovid came over to Cape Canso and forbid the English fishing upon that shore, for it was belonging to his Governmt. After I had some dispute with him concerning that matter, the Govr. and Le Sond went away together up the Bay, and some days after the Indians came down in a body to pull down houses and stages to plunder us. They said Le Sond ordered them to do so, for he had an order from the Govr. *etc.* But Le Sond would never show any order from the Govr. But oftentimes was threatening us by making use of the Indians to drive us off from our fishery. Boston, Oct. 30, 1718. *Signed*, John Henshaw, Jona. Rowse. *The whole endorsed*, Reed. 2nd, Read 3rd June, 1719. *Copy*. 2 pp.

213. ii. Duplicate of No. 137. vi.

213. iii. Minutes of Council of the Massachusetts Bay. Boston, Oct. 18, 1718. Ordered that the perishable goods seized by Capt. Smart at Cape Canso be sold at public vendue, and the vessels with other things not perishable remain in the harbour. The produce of the said goods

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- to be deposited in the hands of Andrew Fancuil, and that he and Capt. Smart give bonds that the same be returned in case there should be orders from Great Brittain that satisfaction be made to the French. Instructions to the Judge of the Admiralty accordingly. *Endorsed as preceding. Copy. 1½ pp.*
213. iv. Governor Shute to Governor de Brouillan, sent by Capt. Thomas Smart. I have had complaints by several of H.M. good subjects of this Province who have undertook the fishing business at Cape Canso of the encroachmts. of the French *etc.* I therefore ask the proper redress from you, before I proceed to other methods of asserting and vindicating the rights of the King of Great Brittain reserved and secured to him by the Treaty of Utrecht ; By letters from several English merchants now residing at Cape Canso I am informed that there is a great number of the French already come over thither, that they have sett up stages and houses on that shoar, and that there is French ship in that harbour and more expected. I need not tell you that if these proceedings are abbetted and favoured by the French Governmt. they will be accounted an open and notorious infraction of the 12th and 13th Articles of the Treaty *etc.* *Quoted. Continues :* No other lands but the Islands being given to the French, they can upon no colour or pretence of justice, settle themselves upon Canso, which is the Continent of Nova Scotia and does of right belong to the King of Great Brittain as much as any other part of H.M. Dominion. I have therefore sent Capt. Smart to demand in the King's name that orders be immediately given to the French that are gone over to Cape Canso to fish on that shoar and make there fish on the land there to withdraw and return to the French Territories and that the French ships or vessels now riding in the English harbours be ordered to depart and that H.M. good subjects have no further molestation in the use of those priviledges, which they claim by the ancient right of the Kings of Great Brittain and by the said Treaty of Utrecht by which the same is strengthen'd and confirm'd. *Signed, Saml. Shute. Same endorsement. Copy. 1¾ pp.*
213. v. Memorial of James Pitts, Oliver Noyes, John Marshall, Nathl. Cunningham and Benjamin Alford in behalf of themselves and partners concerned in the Fishery to the Governor, Council and Assembly of the Massachusetts Bay. June 9th, 1718. Cape Canso being a harbour accomodated for the making and curing of fish, Memorialists fitted out a considerable number

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of vessels, with stores for the summer's voyage and to erect houses, stages *etc.* In 1716, Lt. Young in H.M.S. *Rose* called at the said harbour and finding about 30 French shallops a fishing there, ordered them away and received answer that they acknowledged it to be within the English boundarys and would be gone. Notwithstanding the subjects of the French King have this spring to the number of about 300 taken possession of the same, erected houses and stages and one ship from France now in the harbour and more dayly expected, have seized the best places to make their fish and threaten the English with a removal pretending what they act is by the advice and direction of the Governour of Cape Britton. they claim it as their right, and that if they are interrupted they will stand by and defend their interrest *etc.* Signed, James Pitts, Oliver Noyes, John Marshall and Compa. Same endorsement. Copy. 1½ pp.

213. vi. Duplicate of No. 137. v.

213. vii. (a) Governor Shute's Instructions to Capt. Thomas Smart, H.M.S. *Squirrel* for his designed negotiation at Cape Canso and Cape Breton. You are to repair to Cape Canso and if you find the complaints (*v. supra* No. i.) to be true; you are first to go over to Cape Breton and after delivery of my letter to the Governour, you are to enquire of him whether those proceedings of the French have been of his countenance and approbation; which if he disowns you are to give immediate orders that they withdraw themselves their ships and boats from Cape Canso and the coast thereabouts, and that there be no further cause of complaint of the like injuries for the future. If the Governour owns his approbation of the actions of ye French, you are to make a plain and open protestation of the injustice thereof, and the breach thereby made of the Treaty of Peace as well as an infringement of the rights of the English to the said land by a much older claim. You are to show him the Treaty *etc.*, and urge from the 12th and 13th Articles of the indisputable title of the English to the said country and coast and in the King's name to demand that justice be speedily done to the English in that affair; and assure the Governour that the disturbances given to their enjoyment of that place if supported and vindicated by him will be resented by the English Governmt. as a plain and notorious violation of the Treaty of Peace, and measures will be taken by them accordingly: After which you are to allow him a reasonable time to bring of the people and their effects

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from Cape Canso; and if then no compliance be made to your demands, you are to seize upon what fish and other effects you find within the English limits and bring it off with you and to demolish whatsoever buildings the French have sett up there and compel the French people to quit the said place, except such as are friendly to the English, and have their leave to reside among them. You are by all means to endeavour the effecting your business without bloodshed and not proceed so far unless urged to it by plain and evident necessity. I have ordered Capt. Cyprian Southack to accompany you. He has the vote of the Council to assist you in your negotiation; He has a perfect knowledge of the boundaries of those countries and carries with him a good draught thereof, and has had long experience of the customs and manners of the French inhabiting there. You are therefore to do nothing of moment without his assistance. (b) Sailing orders for Capt. Smart. *Signed, Samll. Shute. Endorsed as preceding. Copy. 2½ pp.*

213. viii. Governor St. Ovide de Brouillan to [? Governor Shute] Louis Bourg. The Royal Island, 23rd Sept., 1717 (*sic*). Capt. Smart has delivered me your letter *etc.* Refers to his letter to Governor Philipps. Cf. July 23, 1718. *Continues*: This day we have had a serious conference with Mr. Smart and Capt. Southack *etc.* The difference which we found in the 12th Article [*of the Treaty of Utrecht*] of which he is the bearer and that which I have, occasioned us to give reciprocally copys of the 12th and 13th Articles which we have each of us signed. You will remark by the 12th of yours Sr. that the points of the compass are not equall and moreover there is no mention made of the 30 leagues near the coasts of Nova Scotia as it is in mine which on this occasion causes a very great error so that 'tis impossible to come to any agreement at present where the ancient limits might or ought to be, for according to your rhombe of the wind you bear much in the Royall Island, and according to ours we border about the rivers of St. Mary. I don't think it convenient for private subjects who ought to be no more than the interpreters of the orders of the Kings their masters to decide points so nice, *etc.* Nevertheless I have offered Mr. Smart to withdraw after the fishery is over to other places in the Royall Island, all the French inhabitants that are at Canso and thereabouts, provided that he would likewise

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evacuate the English inhabitants that are there untill we had a perfect decision from our Courts. I know Sir, how strict the knotts are which unite our two Crownes, and I should be very sorry to do any thing that might give any occasion to break them *etc.* I am going to inform the Council of what we have done. I reckon that I shall have positive news next Spring of what has been regulated thereon *etc.* *Signed, St. Ovide de Brouillan. Same endorsement. 2 pp. [C.O. 217, 2. Nos. 68-75].*

June 2. **214.** Mr. West to the Council of Trade and Plantations. *Reply to April 23rd.* Excepting one, I have no objection to the Acts passed in the Massachusetts Bay in 1718, provided that the severall Acts to which they respectively referr shall have had the approbation of your Lordshipps' Board, *etc.* The Act, to which I object, is *for the regulating and limiting credit in trade, and for the preventing the double payment of debts.* By which it is enacted that no actions shall be brought on any books or account whatsoever for debts to be contracted by merchants, *etc.*, after the expiration of two years from the contracting thereof *etc.*, which I am of opinion may be very prejudicial to merchants who are resident in England, and have debts due to them in New England, since by it they are barr'd from suing for their just debts unless they repaire into the Province within the prescrib'd term. It is provided indeed that the Act shall not extend to barr any action of account between creditor and debtor, where either of them are beyond the seas *etc.*, the consequence of which provisoe is, that all other actions are barr'd *etc.* The whole Act is no ways proper to be pass'd into law. *Signed, Richd. West. Endorsed, Reed. 5th June, 1719. 3 pp. [C.O. 5, 867. No. 37; and 5, 915. pp. 285, 286].*

June 3. **215.** Mr. Popple to Mr. Carkesse. Encloses extract of Whitehall. Capt. Scott's letter, Nov. 16, 1718, relating to Newfoundland trade, for the information of H.M. Commissioners of Customs. [*C.O. 195, 6. pp. 499, 500.*]

June 3. **216.** *Same* to Mr. Burchett. *Reply to May 18th.* Capt. Whitehall. Ogle's departure for Newfoundland being so very sudden, the Council of Trade and Plantations had not time to make some additions as they intended to the usual Instructions. And you will find very little new in those now sent you beyond some small alteration in the form of the return. But to supply that defect they send you copies of some papers which may be of use to Capt. Ogle.—Capt. Scott's letter Nov. 16, 1718, and letter from Consul at Lisbon, and Mr. Bridgen's Memorial, Jan. 23, 1719. As to the fishing Admirals (Jan. 23) their Lordships are of opinion that as the cases are stated, Capt. Scott is certainly right, but



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any Capn. of a ship who shall import into Newfoundland from any part of Europe out of H.M. Dominions prohibited goods, by the 6th paragraph of the Act of the 15th of King Charles II, does not only forfeit his right of being Admiral, but likewise the commodities so imported, together with his ship, guns, tackle, furniture, ammunition and apparel. But for the Commadore's Government upon this or any other occasion that may offer, I likewise enclose a collection of the several Acts relating to Trade and Navigation. *Annexed*,—

216. i. Heads of Enquiry relating to the Trade and Fishery of Newfoundland. 32 Heads of Enquiry and Additional Instructions 1—16, as 3rd March, 1718. Additional Instruction 17 *now concludes*: That the method taken by Commadore Scott to oblige those who depart before ye convoy not to take off the fishermen with them may take effect, you are to use your utmost endeavors to improve the same, by taking all the care possible to have such obligations so witnessed, in case it may be thought proper to put them in force, that they may not be invalidated for want of evidence to prove them authentick; And you are likewise to be as strict as is practicable, to oblige all New England ships to sail at the same time, that you shall leave the land, and to get all the proof that can be had of any breach of obligations entered into, as aforesaid, and transmit an account thereof to the Lords Commissioners for Trade and Plantations.

216. ii. Scheme of the Fishery of Newfoundland for 1719. To the usual scheme, are added enquiries (i) as to the number of passengers on fishing ships, (ii) of men and women servants among the inhabitants, and (iii) how many of the inhabitants remained in the country last winter. [C.O. 195, 6. pp. 501-505].

June 4.  
Whitehall.

217. Council of Trade and Plantations to Governor Shute. *Acknowledge* letters of 26th June and 29th Sept., 1718, and 1st Jan., 1719. There is a clause in an Act of Parliament past this last Session, which requires a more strict examination for the future into the goodness of pitch and tar imported here from the Plantations, and no præmium is to be allowed but for such of the said commodities as shall be perfectly clear and good, *etc.*, as soon as the Act itself is printed, we shall send you a copy of it. We have received the accounts of the Revenue of the Massachusetts Bay from May, 1717, to May, 1718, and the accounts of New Hampshire for 1715-1717, and tho' the annual expense of those Governments may be uncertain, yet this is no reason why you should not send us such accounts every 6 months as by your Instructions you are required to do, or at

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least once a year. We have also received the Minutes of Council and of Council in Assembly of the Massachusetts Bay to Aug. last, but we want the Minutes of Council and Assembly since that time, which you ought to have sent us before this time, as likewise the Minutes of Council for New Hampshire ever since 1716. We must upon this occasion put you in mind that by your Instructions from H.M. you are required to transmit regularly to us these as well as several other accounts which you have hitherto neglected to send, and that if you are not more carefull in this respect for the future, we shall think ourselves obliged to take notice of it in a Reprn. to H.M. We approve of what you have done in removing Dr. Cooke from the Council and we must earnestly recommend and require you to use your utmost endeavours to support Mr. Bridger in the execution of his office for preserving the woods; complaints have been made here of the great destruction of those woods contrary to the Acts of Parliament, and that great quantities of timber have been sent from your Governments to Spain. It is necessary therefore that Mr. Bridger should have all the countenance and assistance possible in discharge of his duty. In your letter of 29th Sept. you tell us there are three vacancies by the death of some and by the non-acceptance of others of the Council of New Hampshire *etc.*, but you do not inform us of their names, so that we cannot propose to H.M. the filling of those places till we know in whose room they are to be appointed. We think it necessary to observe to you that we find many things relating to your Governmt. printed in the publick news papers here of which you had given us no manner of account. We are surprised that you have not in any of your forementioned letters acknowledged the receipt of H.M. additional Instruction relating to the passing of laws that may any ways affect the trade or shipping of this Kingdom, tho' we have reason to be assured that you received the same some time ago. We must desire that for the future you do not mix the affairs of your two Governmts. in one and in the same letter but that you write what relates to each Province in a distinct and separate letter. You tell us, 1st Jan., that you have sent all the papers relating to the proceedings of the *Squirrel* to the Agent to produce the same, in case the French should make any complaint here; but we cannot apprehend why you did not send us those accounts, that we might have made such use of them, as might have been proper. *Enclose Mr Solicitor General's opinion about the trial of pirates etc. (v. 5th Mareh).* It being for H.M. service that we be at all times acquainted with the absence of Councillors from their posts in the Plantations, We desire that whensoever you give leave to any member of H.M. Council in New Hampshire to be absent from his post, that such leave be under your hand and seal, and that you forthwith transmit to us a copy of such licence of

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leave, as also an account when such Councillor departed from New Hampshire and to what place he is gone. We observe that you do not send us the private Acts which from time to time are passed in the Province of the Massachusetts Bay, this you ought to do that we may see whether those Acts are passed in such a manner as is agreeable to your Instructions. It will be necessary for the future that when any private bills are sent over the parties concerned in those Acts do appoint some person here to solicit the dispatch of them, otherways they will lye by unconfirmed. In your letter of 1st Jan. you complain of the miserable condition the Province of the Massachusetts Bay is in, by reason of the paper bills *etc.*, which daily sink in value, and that if some proper measures be not taken that Province and its trade will be ruined. This is a matter which you ought to have explained more fully to us particularly what you mean by *proper measures*. If you have [*any*] thing in view, how to remedy the inconvenience you apprehend or any scheme to propose for the doing it; you might have communicated it to us that we might have considered the same and given you our thoughts thereupon. We send you inclosed our observations upon some of the Acts of the Massachusetts Bay and New Hampshire for your information and direction in like cases for the future. As also a paper of queries to which we must desire your particular answer. Their being frequent complaints that great numbers of British seamen and servants are every year carryed from Newfoundland to New England by New England ships to the great prejudice of this Kingdom and the trade of Newfoundland, Instructions are annually given to the Commadores of the Convoy to prevent the said unwarrantable practice as much as possible, and Commadore Scot the last year took bonds from 3 New England masters *etc.*, (v. 16th Nov. 1718). Notwithstanding which the said masters did carry away several men *etc.* We send you inclosed the said bonds that you may use your best endeavour to have them put in sute as well for the punishment of the offenders as for an example to deter others from the like practices for the future which we think the Governmt. of New England ought to discourage as much as possibly they can, least this matter should be complained of in Parliament. *Annexed,*

217. i. Observations upon some of the Massachusetts Laws, 1715. Acts *in addition to the Act against counterfeiting bills of credit*, and in addition to the Act *for encouraging the killing of wolves*. By your Instructions fines and forfeitures are reserved to the Crown, but by these Acts the forfeitures are reserved and applyed to particular uses. (b) As to the Act *for holding a Superiour Court of Judicature etc. for the County of Hampshire*, the first clause restores the Superiour Court of the County of Hampshire, which is to sit every

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2nd Thursday in August yearly according to the law *for establishing a Superiour Court of Judicature*, which law we find was passed in 1699, but then the same clause goes on, any act or law since made to the contrary notwithstanding. As we do not find any Act since 1699, that seems to relate to this matter, we cannot understand what law is repealed by this, which is what you ought particularly to have explained to us, that we might the better be enabled to lay our opinion before H.M. We send you the opinion of Mr. West upon the Act, 1716, in addition to the Act *for making lands and tenements liable to the payment of debts*, whereby you will see that this Act is not fit to be passed into a Law, and therefore you ought to move the Assembly to pass a new Act not liable to the objections mentioned. We have no objection to the Act for the further continuing an Act against *hawkers, pedlars and petty chapmen, etc.*, but should be glad to know what reason there is for passing such an Act in the Massachusetts Bay. We have no objection to the Act *for the change of the surname of Spencer Bennet, alias Phips of Cambridge, Esqr.*, but that some person or persons should be appointed here to solicit the dispatch of this and all other private Acts and to pay the fees in the several Offices, when H.M. pleasure is declared upon them. There are Acts passed in 1716 and 1717, *for granting duties of impost and tunnage, etc.*, tho' these are expired, we must observe to you that such laws are not fit to be passed by you H.M. Governor; for the first of them lays double the duties on British ships, that it do's on ships belonging to the Massachusetts Bay, and the other lays a duty on goods from this Kingdom, which ought not to be allowed of, and therefore you ought to take care for the future not to pass any law whereby the trade or shipping of this Kingdom shall be affected.

217. ii. Queries to Col. Shute, Governor of the Massachusetts Bay. We desire you to inform us what number of inhabitants there is at present, distinguishing the number of freemen, women and children, and of servants white and black; how are they increased of late years? And what number of servants, men and women have been imported of late and from whence? What is the number of the Militia? What forts or places of strength are there? And in what condition are those forts? What is the strength of the several Nations of Indians in your neighbourhood? and are their inclinations for us or for the French? What is the condition of the French settlemts. at Canada

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and Cape Breton? and how may they affect any of H.M. Plantations, and what can be done to prevent any hazard or inconvenience from those settlements? How and in what particulars is the trade of the Province increased or decreased of late years and what has been the reason and what changes has been observed in the fishery since the conquest or session of Nova Scotia, and what scattered settlements are there either French or English along that coast without the Bay of Fundy? What are the present methods used to prevent illegal trade? and what further methods do you think advisable? What number of vessels are there belonging to the Massachusets, where built, and what number of seafaring men? What manufactures are settled in the Province of any sort whatsoever? What mines are there? and what improvements made in the working of them? What is reckoned to be the annual produce one year with another of the several commodities in the Massachusets? What trade has that Province with any foreign Plantations or any part of Europe besides Great Britain? how is that trade carried on? What commodities do they send to or receive from such Plantations or any foreign nation in Europe?

We further desire that you would send us the best accounts you possibly can get concerning the French Plantations in your neighbourhood? What is the number of the inhabitants, and of the militia, or what other military force is in each of those Plantations? What are the several commodities produced in them? and how much is the annual produce one year with another of such commodities? what trade is carried on to and from these Plantations? what form of Government is established in them, and what methods are used to encourage and improve the products and the trade thereof.

217. iii. Queries to Col. Shute, Governor of New Hampshire.

We desire you to inform us, what number of inhabitants there is at present in New Hampshire, distinguishing the number of freemen, women and children, and servants white and black? To what degree are those numbers increased or decreased since your entrance upon the Government, or since the last estimate made of them? What trade is there either by exportation or importation with any other place besides this Kingdom? and from whence is the Province furnished with supplies (particularly of any manufactures) that they were wont to have from

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Great Britain? How and in what particulars is the trade of New Hampshire increased or decayed of late years, and what hath been the reason? What are the present methods used to prevent illegal trade? and what further methods do you think adviseable? What number of vessels are there belonging to the said Province, where built, and what number of seafaring men? What manufactures are settled in that Province of any sort whatsoever? what mines are discovered, and how are they wrought or improved? and what changes or improvements have been made in the Fishery since the cession of Nova Scotia? What is the annual produce of the several commodities in that Province? What trade has New Hampshire with any foreign Plantations? or any part of Europe besides Great Britain? how is that trade carryed on? What commodities do they send to or receive from foreign Plantations, or any foreign nation in Europe? [C.O. 5, 915. pp. 272-284.]

June 4.  
Whitehall.

**218.** Council of Trade and Plantations to the Lords Justiees. *Abstract.* Report upon an Act of New York, 1717, *for paying several debts etc.* Refer to April 23rd and 6th May, 1718. Have now received from the Governor and Council an answer to the merchants' objections *etc.* *Examine those objections and conclude*, that ye objections against allowing these several sums are slightly grounded, and that the Legislature have acted both justly and prudently in endeavoring to extricate the Province out of the difficulties, their publick debts had involved them in. We must further observe, that ye approbation of the said duties for sinking the bills of credit cannot, as is pretended, render the support of the Governmt. precarious. The Custom and other funds appropriated for that use being sufficient to answer more than the ordinary charge of the Government there. We are also so far from agreeing with the merchants that these bills will be to ye prejudice of the trade of New York, that we doubt not, if the credit of the bills is maintained according to the tenor of the Act, the trade of the Province will be greatly incouraged and facilitated thereby, as it appears to have been since the first bills were issued. Nor are we sensible that it was in the power of the Legislature to have taken any other method which would have answered their intention so well it being very probable, that the funds appropriated for sinking ye bills of credit both of 1714 and 1717 will effectually serve for that purpose, the Excise having been already farmed for five years at 3750-oz. of plate pr. annum. But whereas the Act now complained of, is of the same nature with the Act passed in 1714, there should likewise have been

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as there was in the former, a clause therein contain'd to prevent the same from taking effect until it should have been laid before H.M. and his pleasure signify'd thereupon. It must likewise be allowed, that the credit of the bills struck in 1714 may possibly be affected by ye additional increase of those in 1717. The merchants have asserted to us, that they are fallen about 9 or 10 p.e., however as the Governor and Council have represented, in their memorial, that ye difference between gold in New York and Pensylvania (where there is no paper credit) is but little more than  $\frac{1}{2}$  p.e., and in current silver little or nothing, and that the value of silver varies, as there is more or less silver in that Province, we are apt to believe the merchants may be misinformed or imposed on in this particular as well as in several others, that ye discount on the bills of credit is not so considerable as they imagine, but if it be, that it may very probably have been occasion'd by causes very different from those by them assigned. But as the case now stands, these debts are owned and provided for by ye Governmt. and the bills of credit being issued, they are transferred in course from ye first claimants to others who have been obliged to take them according to the direction of the Act; We must therefore submit it to your Excellencies consideration, what confusion and disorder the Colony and the trade thereof would be in, if the merchants' prayer of their petition should be granted. Upon the whole therefore, we must humbly offer it as our opinion, that if H.M. should be graciously pleased to confirm this Act, it would tend to the great advantage and benifit of H.M. said Colony. But at the same time it seems absolutely necessary that the Governor should be enjoyned by H.M. command in order to prevent the further increase of paper credit and the anticipation of any fund upon which mony may be raised to supply the emergencies of the Governmt. not to give his assent to any other bill of this nature, and to transmit to one of H.M. principal Secretaries of State and to this Board every six months accounts of the produce of the funds appropriated for sinking the bills of credit, and of the amount of the bills accordingly sunk, which we hope would more effectually raise the credit of that Colony, and better contribute to the promoting of trade there, than the method proposed by the merchants. *Set out*, N.Y. Col. Docs. V. pp. 522-526. [C.O. 5, 1124. pp. 93-107; and (*corrected draft*) 5, 1079. No. 108.]

June 4.  
Whitehall.

**219.** Council of Trade and Plantations to the Lords of the Committee for hearing Appeals. *Reply to 15th Dec. 1718.* We have been attended by Sir A. Cairns and others, who desire the said grant [*on the coast of Nova Scotia*]; as likewise by Mr. Dummer, who opposes the intended grantees being allowed any consideration for curing fish in the said coast; and altho' it may be reasonable that an acknowledgment should be paid

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for the use of such stages and other conveniencies for curing of fish, which the grantees shall at any time build at their own expence within the limits of their grant, yet we are intirely of opinion that where such conveniencies are not built by the grantees, all other H.M. subjects should have the liberty of cutting timber, building stages and curing fish on the coast without being liable to any impositions upon that account. It may be pretty difficult to settle a particular rate to be paid for the use of stages and other conveniencies, which may be built and furnished by the grantees ; But in our opinion it would be just to put the grantees in this particular upon the same foot with the people of New England, who according to the best information we have been able to get, do receive one shilling for every quintal of fish cured at Marblehead for the use of their stages, cookrooms and of a shore man to each stage ; But to provide as effectually as may be against any inconveniencies which may hereafter happen to the prejudice of the fishery in those parts, we would propose that there may be a clause in the grant reserving to H.M. a power to make from time to time such alterations and regulations in relation to the Fishery, as H.M. may think proper. As this new settlement, if made under proper regulations, may prove advantageous to H.M. service, and beneficial to the trade of Great Britain ; and as the grant now in question may possibly serve as a precedent for such future dispositions as H.M. shall think fit to make for peopling of Nova Scotia, your Lordships will allow us the further liberty of recommending to you upon this occasion in a particular manner to have a view to the preservation of the timber and the production of Naval Stores in this new Colony ; For which purpose we should propose, That both in this and all future grants to be made of any lands in Nova Scotia, one full 20th part of the land granted shall be reserved to H.M., His heirs and successors, as a nursery for masts and timber for the Royal Navy the said 20th part to be marked out by H.M. Surveyor General of the Woods in America, in one or more parcels, in parts most adjacent to navigable rivers, wherein no person whatsoever shall be permitted to cut down any trees under the highest penalty the law can inflict. That all pine and fir trees of the diameter of 24 inches and upwards at 12 inches from the ground, growing in any other part of the premises to be granted, shall be reserved to H.M. His heirs and successors ; the said trees to be marked by the Surveyor of the Woods, or in his absence, by some person to be appointed by him for that purpose. That the patentees be restrained from exporting to any foreign parts out of H.M. Dominions, any deals, masts, planks, ship timber, hemp, pitch, tar or any other Naval Stores whatsoever, under the same restrictions and penalties as in the case of the enumerated goods from the Plantations. That an annual quit-rent be reserved to the Crown of 14 pound



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weight of hemp water rotted, bright, clean and fit for making cordage for the Navy for every 100 acres of land granted that shall be enclosed, planted, cultivated or improved, the said quit-rent to commence within four years from the date of the grant. The said quit rent to be double the twelfth year and treble the 20th and so to continue for ever after. The said hemp to be delivered to such person or persons as shall be appointed by H.M. to receive ye same, at such place or places, as the sd. persons shall name for that purpose, within ten miles of the ground where the said hemp grew, free from all charges to H.M. That the patentees be put under the strongest obligations to comply with these conditions, and all others mentioned in our former reports upon this subject; and that the same may be more carefully put in execution that H.M. Surveyor of the Woods or a proper person deputed by him, be present at the laying out of the lands to be granted in the manner abovementioned; till which time the patentees shall not be permitted to take possession thereof. [C.O. 218, 1. pp. 404-408.]

June 4.  
Whitehall.

**220.** *Same to the Lords Justices.* In obedience to your Excellencies' commands of 2nd instant we shall take care to give all possible dispatch to Col. Philips' Commission and Instructions. *Repeat former representations* for a man of war to attend upon that Government; and for a present to the Indians as is done to the Five Nations *etc.* (v. 30th April). *Conclude:* There being no provision as yet made by Parliament for the fortifications of Nova Scotia, we shall at present only propose to your Excellencies to give directions to the Board of Ordnance for sending an Engineer thither, to survey the proper places, and make the necessary dispositions there, against the time that provision shall be made for so necessary a purpose. [C.O. 218, 1. pp. 409, 410.]

June 5.  
Whitehall.

**221.** *Same to same. Reply to 28th May. Quote Governor Shute's Instructions to Capt. Smart and Capt. Southack's Journal (v. 1st April, 2nd June.) Continue:* Thus your Excellencies may perceive that Capt. Smart's proceedings in this affair were by order of the Govr. and Council of the Massachusetts Bay, who we presume believed it was their duty to assert, in this manner H.M. right to ye lands or islands where the seizure was made: and altho a gentler method might possibly have been more adviseable at so critical a juncture, yet we can't help thinking that Col. Shute and H.M. Council of the Massachusetts Bay have expressed upon this occasion a very laudable zeal for H.M. service. For upon the best light we have hitherto been able to get into this matter it would seem the French had no manner of reason to set up a title to the lands or islands where the seizure was made, or even to fish upon that coast. However if your Excellencies should be disposed in

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favour to the Memorialist, and to cultivate a good understanding between the two Nations, to give your orders to the Govr. of the Massachusetts Bay and Capt. Smart, to return the vessels and effects seized by the latter at Canceau, we have nothing to object to it, provided this restitution be made as a pure act of grace and favour; that previous thereunto full and ample satisfaction be given to all H.M. subjects upon whom any reprisals may have been made by the French upon occasion of this seizure, and that especial care be taken in the said order of restitution to guard against any pretence his most Christian Majesty may set up to the lands or islands whereon the sd. seizure was made, or of any right to fish upon that coast in consequence of the said restitution, for upon a very strained construction of certain words in the Treaty of Utrecht, the French claim a right to the Island of Canceau, besides there is so great a difference in the accounts we have of the place where this seizure was made, some calling it the Island of Canceau, some the Cape of that name, and others the main Continent of Nova Scotia, it will be highly necessary, that great caution should be taken in the manner of wording your Excellencies' Orders upon this subject, lest at any time hereafter when Commissaries shall be appointed to fix the boundaries of Nova Scotia, advantage should be taken thereof by the persons empower'd to transact that matter in behalf of the French. *Enclose* copy of proceedings of the Council of the Massachusetts Bay after Capt. Smart's return, (v. June 2nd), "which we thought proper to annex because there seems to be a very considerable difference in the value placed upon those effects by the French, and that set upon them in New England." [C.O. 218, 1. pp. 411-415.]

June 5. **222.** Lt. Col. Moody to the Lords Justices. *Encloses* following as ordered *etc.* *Signed*, J. Moody. *Endorsed*, Recd., Read June 19th, 1719. 1 p. *Annexed*,

**222.** i. Copies of H.M. letters from Lord Dartmouth to Lt. Govr. Moody, July 11, 1713, and H.M. letter to Governor Nicholson, June 23, 1713, relating to the sale of their lands and tenements by the French at Placentia, with a list of such lands and tenements purchased by Col. Moody in 1714, by virtue of H.M. order, 12 plantations and one house, for total sum of £1687 10s. 2 pp. [C.O. 194, 6. Nos. 63, 63 i.]

June 5.  
Admiralty  
Office.

**223.** Mr. Burchett to Mr. Popple. *Reply* to June 3rd. "If the Council of Trade and Plantations have any further Instructions to prepare for Capt. Ogle, and they can be ready in eight or ten days, it will be time enough," *etc.* *Signed*, J. Burchett. *Endorsed*, Recd. 6th. Read 10th June, 1719.  $\frac{3}{4}$  p. [C.O. 194, 6. No. 62.]

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June 5.  
Antigua.

**224.** Governor Hamilton to the Council of Trade and Plantations. *Encloses Act to amend an Act for raising £5000 etc.*, by which former Act the Gentlemen of the Assembly were at last sensible that they had overrated their sugars, and that the prices would not answer the market in Great Britain and that all creditors would be sufferers thereby, for that reason they prepared this Act to moderate the price, as had before been recommended to them by H. M. Council of this Island. I therefore hope your Lordships will recommend this Act to H. M. for his Royal approbation. *Signed*, W. Hamilton. *Endorsed*, Reed. 22nd Aug., Read 16th Sept., 1719.  $\frac{3}{4}$  p. [C.O. 152, 12. No. 153].

June 5.  
Antigua.

**225.** *Same to Same.* I herewith transmit an Act for raising a poll-tax etc. for the Island of Nevis, which will be delivered to your Lordships by Col. Joseph Jory, Agent for that Island. The Act in itself explains the uses it is to be applied to except that part appropriated for the use of the gentleman prisoner at Martinique, which is one Mr. Charles Earle the only one of four remaining of those that were taken off by Monsieur D'Iberville when that Island was taken by the French in 1706 and has been ever since kept there as an hostage for the pretended ransom. And £200 mentioned for Mr. Philip De Witt, which is part of a gratuity the gentlemen of that Island are desirous to allow him for the hardships he suffered whilst one of the pretended hostages at the aforesaid Island, from whence he made his escape some time since and is now settled at Nevis, which Act I hope your Lordships will recommend to H. M. for his Royal approbation. *Signed*, W. Hamilton. *Endorsed*, Reed. (from Col. Jory) 12th Aug., Read 16th Sept., 1719. 1 p. [C.O. 152, 12. No. 154].

June 6.  
New York.

**226.** Governor Hunter to Mr. Popple. *Encloses Minutes of General Assembly of New Jersey, etc.* The Assembly here (now sitting) have read twice and committed a Bill for ye continuation of the Revenue for one year after the expiration of ye present Acts. The report of my going home curtailed the term for they had determined to settle it for five years etc. I shall leave both Provinces in perfect peace to which both had been long strangers. I live in torture with a violent pain in my hipp, etc. I have no hope of cure on this side etc. I labour'd hard for an Agent for ye Jersey, but the fearfull and stingy nature of a seet of men in our Assembly gott the better of me and I must find a better way to reward our friend Bampfild etc. *Set out*, N. J. Archives, 1st Ser., iv., 387. *Endorsed*, Reed. 27th July, 1719, Read 30th Aug., 1720. *Holograph*. 3 pp. [C.O. 5, 971. No. 84].

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June 8.  
Bermuda.

**227.** Lt. Governor Bennett to the Council of Trade and Plantations. *Refers to* letter of 26th Oct. *Continues*: I understand that in South America all H. M. Govmts. have recd. the Declaration of War against the King of Spain, but none had reached the Continent the 10th past as by several accounts, nor has any been brought here, but doe hear mine was carried to Jamaica, soe expect it by the first vessel. Several privateers are fitted out from the Leeward Islands, Jamaica and Providence, and is said that the enemy had taken in the Gulf one of ours from Jamaica and carried her into the Havana: I am likewise advised that the two Providence privateers mett with three periaugres bound for the Havana from Florida which they took. On the 23rd of Apr. arrived here from the Bahama Islands a sloop wherein were nine pirates who surrendred themselves and received the King's most gracious pardon accordingly: And on the 15th of the last month an other sloop brought to just without our bar, the Comander whereof sent his boat a shoar with written proposals to me, wherein they owned themselves pirates, and incerted, that if I would allow all they had on board to be their own they would come in and surrender, or otherwise be gone by such an hour, and I thought proper for the service to agree to their demands, and hope I was right; there were seventeen in number one Warner was Capt., what they brought in with them was a small quantity of wine, brandy, and provision: I believe the pirates in general have submitted and accepted of H. M. pardon, for I only hear of one Coudon that is out in a ship of 110 men and 20 guns, and one England in a sloop of 8 guns and 70 men. The publick seal was according to order cut and have now sent it under the care of a person who will convey it to Mr. Popple *etc.* *Will transmit* accounts of the Magazine *etc.* Inclosed is an account of the fortifications viewed by me and Council, which I hope will satisfie yor. Lordps. that I have not neglected that part of my duty as was represented. *Refers to enclosures.* Signed, Ben. Bennett. *Endorsed*, Recd. 23rd July, 1719, Read 7th July, 1720. *Holograph.* 2 pp. *Enclosed*,

227. i. Accounts of money received by virtue of an Act to supply the deficiency for building a house for the Governor *etc.*, 1713-1716. *Same endorsement.* 4 pp.

227. ii. Account of the condition of the fortifications of Bermuda. *Same endorsement.* 4 pp.

227. iii. Account of money received for building Governor's house, 1716-1718. *Same endorsement.* 5 pp. [C.O. 37, 10. Nos. 13, 13 i.—iii.]

June 9.  
Lond.

**228.** Col. Vetch to the Council of Trade and Plantations. Being informed that your Lordships were to take under your consideration the settling the limits betwixt the British and French Colonys *etc.*, I lay before your Lordships the inclosed

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Memorial which I delivered to my Lord Sunderland, about a year agoe which his Lordship seemed then to approve *etc.* Offers his serviees, *etc.* *Signed*, Sam. Vetch. *Endorsed*, Reed., 9th June, Read 5th Aug., 1719. 1 p. *Enclosed*,

228. i. Memorial of Col. Vetch, late Governor of Nova Scotia, to the King. *Refers* to his scheme for reducing the French Colonys 1708 *ff.* *Continues*: 'Tho' the Grand Expedition against Canada miscarried, because it seem'd to be design'd so to do by some of the principal actors, yet your Memorialist's projection for the reduction of Nova Scotia succeeded perfectly well *etc.* He was made Governour untill the latter end of the late Queen's reign, when, only for his zeal for your Majesty's Royal House, and the service of his country, he was remov'd *etc.* *Describes* the activities of the French and consequent sufferings of the Colonies. *Urges* that Commissioners be appointed on both sides to adjust the French and British boundaries *etc.* 2 pp. [C.O. 217, 2. Nos. 86, 86. i.].

[June 9.] 229. Wm. Nevin to the Council of Trade and Plantations. Prays the Board to report in favour of the Act of Antegoa to enable Arthur Freeman *etc.* *Endorsed*, Reed., Read 9th June, 1719.  $\frac{3}{4}$  p. [C.O. 152, 12. No. 134.]

[June 9.] 230. *Same to Same.* Has been lately appointed Agent for St. Christophers, as well as for Antegoa and Mountserrate, but is now advised to goe to Tunbridge Wells for the recovery of his health. *Prays* to be consulted before any report is made upon any Acts from those Islands. *Endorsed as preceding.*  $\frac{3}{4}$  p. [C.O. 152, 12. No. 135.]

[June 9.] 231. Agents for the sufferers of Nevis and St. Christophers to the Council of Trade and Plantations. Pray that debentures may be issued in accordance with an Act passed in the last Sessions of Parliament entitling the sufferers of Nevis and St. Christophers who resettled in either Island to their shares of the bounty money *etc.* *Signed*, Ste. Duport, James Butler, John Smith. *Endorsed*, Reed. 9th June, Read 2nd July, 1719.  $\frac{3}{4}$  p. *Enclosed*,

231. i. List of debentures claimed by above. For James Stephens £340, John Seaborne by intermarriage with Mary Jones, £40. 8. 10., Mrs. Mary Pogson, £17. 5. 1., Capt. Wm. Kitt, suffered at St. Christophers, resettled at Nevis, £327 14. 9.  $\frac{1}{4}$  p. [C.O. 152, 12. Nos. 142, 142. i.]

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June 9.  
Whitehall.

**232.** Mr. Popple to Mr. Carkesse. *Desires* form of the oath the Governors of Plantations take for observing the Acts of Trade *etc.* [C.O. 324, 10. p. 261].

June 10.  
Custom Ho.,  
London.

**233.** Mr. Carkesse to Mr. Popple. In reply to preceding encloses following. *Signed*, Cha. Carkesse. *Endorsed*, Reed. 12th, Read 18th June, 1719. *Addressed*.  $\frac{1}{2}$  p. *Enclosed*,

233. i. Copy of a Commission granted in the 9th year of K. William III for appointing Commissioners to administer the oath to be taken by Governors in the Plantations, by the Act of 7 and 8 William III, with the form of that oath.  $2\frac{1}{2}$  pp. [C.O. 323, 7. Nos. 157, 157 i.; and (without enclosure) 324, 10. p. 261].

June 10.  
Whitehall.

**234.** Mr. Popple to Col. Mathew. You having some time ago recommended Richard Cooke to be of the Council of Mountserratt, my Lords Commissioners for Trade *etc.* desire to be informed whether he be still living *etc.* [C.O. 153, 13. p. 410.]

June 10.  
Whitehall.

**235.** Mr. Popple to Mr. West. Refers to his report on the Act of the Massachusetts Bay *in addition to the Act for making lands and tenements liable for debts etc.* (9th July, 1718), and asks for the further objections to it mentioned therein. [C.O. 5, 915. p. 287.]

June 10.

**236.** Mr. Vaughan and Mr. Capon to the Council of Trade and Plantations. In obedience to your Lordships' commands to give our best account of the Isles of Canso, *describe the same and argue that they are the property of Great Britain*, as they are far distant from Cape Britton and more especially from the mouth or Gulf of St. Lawrence, and even from the Gutt of Canso, and the French map (v. No. 208 iii) is donne with partiality purely to favour the last year's French fishery at Cape Canso *etc.* Nor can the French have the least title to Les Isle Madame, which is in the main sea, without Britton *etc.* As to the boundaries we are humbly of opinion, what was in the possession of the French, under their Governour Monsieur Supereass, when the garrison at Annapolis was delivered to Generall Nicholson, in Oct. 1710, with all the appendages, doth of right belong to the Crown of Great Britain; more particularly from Annapolis westward, to the River St. George or to Kenebeck which, as we are informed, was in Supereass's Commission, and from St. George River, northward to the head of Penobscot River, and from the head of Penobscot River, to the head of the river near Red Island in St. Lawrence, and from thence to Cape Roziers, on an easterly line. *Signed*, Geo. Vaughan, Peter Capon. *Endorsed*, Reed. 10th June, Read 5th Aug., 1719.  $1\frac{3}{4}$  pp. [C.O. 217, 2. No. 87.]

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June 10. **237.** Mr. Popple to Mr. West. Encloses, for his opinion, draught of Commission and Instructions for Governor Philipps, and desires him to prepare a clause to impower Col. Philipps to appoint Justices of the Peace in Nova Scotia. [C.O. 218, 1. pp. 415, 416.]  
Whitehall.

June 10. **238.** Mr. Popple to Mr. Burchett. Encloses extract of Governor Hamilton's letter, 19th Dec., 1718, relating to pirates and the insufficiency and unserviceableness of the man of war at the Leeward Islands, etc. [C.O. 153, 13. p. 409.]  
Whitehall.

June 11. **239.** Mr. Burchett to Mr. Popple. *Reply to preceding.* The Lords Commrs. at the Admiralty have [thereupon] wrote to the Commissrs. for Victualling H.M. Navy to know whether they cannot conveniently contract with some proper person at the Leeward Islands for furnishing the *Rose* and *Shark* sloop, now attending on those Islands, with provisions there. *Signed*, J. Burchett. *Endorsed*, Recd. 12th, Read 18th June, 1719. *Addressed*. 1 p. [C.O. 152, 12. No. 138.]  
Admiralty Office.

June 11. **240.** Mr. Popple to Mr. Delafaye, Secretary to the Lords Justices. Encloses extract from Governor Hamilton's letter, 19th Dec., 1718, relating to soldiers deserting to St. Eustatia etc., for the Lords Justices' directions thereupon; also an extract from the said letter, relating to the preparations the Spaniards are making to attack the Bahama Islands to be laid before their Exceellencies. [C.O. 153, 13. pp. 410, 411.]  
Whitehall.

June 11. **241.** Order of Lords Justices in Council. Referring following to the Council of Trade and Plantations for their report thereon. *Signed*, Ja. Vernon. *Endorsed*, Recd. Read 19th Nov., 1719. 1 p. *Enclosed*,  
Whitehall.

241. i. Petition of Lewis Piers to the King. Petitioner's plantation in Mountserratt, described, was destroyed by the enemy, who burnt or took away all the records of the Island. Petitioner has a copy of the deed of gift, made by Anguish Brown, the first proprietor of the land, 14th April 1680 to Margaret his wife and the remainder to Robert Lynch to whom petitioner's wife is heiress at law. This is attested by the Secretary but thought insufficient for a purchaser to venture thereupon. *Prays* H.M. to grant him and his wife Cecilia a patent for said plantation etc. 1 p.

241. ii. Copy of Anguish Brown's deed of gift, Mountserratt, Ap. 14, 1680, referred to in preceding. *Signed*, Anguis Brown, his mark. 2 pp.

241. iii. Copy of Certificate by William Gerrish, Deputy Secretary of Montserratt, that No. ii is a true copy. 7th Nov., 1718. *Signed*, W. Gerrish.  $\frac{1}{2}$  p. Nos.

1719.

i.-iii. *endorsed*, Recd. 10th March, 171 $\frac{1}{2}$ . Referred to ye Board of Trade, June 11th, 1719. [C.O. 152, 12. Nos. 162, 162. i.-iii.]

**242.** Mr. Popple to Mr. Burchett. *Reply to 5th June.* The alterations the Council of Trade and Plantations intended to offer to the Heads of Enquiry will be too many to be perfected to go by this opportunity, and therefore their Lordships are of opinion that *those sent June 3rd* may be sufficient for this year. [C.O. 195, 6. p. 507.]

June 11.  
Whitehall.

**243.** Order of Lords Justices in Council. Referring following to the Council of Trade and Plantations for their report. *Signed*, Ja. Vernon. *Endorsed*, Recd. 30th June, Read 19th Nov., 1719. 1 p. *Enclosed*,

243. i. Petition of John Usher to the King. *Prays for H.M.* order that he be paid the sums due to him as a Treasurer for New England, 1686-1689 *etc.* In spite of several orders in the past, he has never been able to obtain any relief *etc.* *Signed*, John Usher. 1 large p.

243. ii. Duplicate of C.S.P. 1694. No. 985.

243. iii. Report of Committee of Accounts of the Massachusetts Bay, March 25, 1695.  $\frac{1}{2}$  p.

243. iv. The account of John Usher, 1715. 1 p.

243. v. Committee of Accounts of the Massachusetts Bay, to John Usher. Demand payment of £500, three fifths of the principal and one year's interest of loan to same, due Dec. 13th last. Boston, July 23, 1718. *Copy.* 1 p.

243. vi. Copy of receipt by Caleb Ray for £35 11s. 5d. paid by John Usher committed to gaol on Col. Samll. Shrimpton's execution.  $\frac{1}{2}$  p. [C.O. 5, 867. Nos. 57, 57. i.-vi.]

June 12.  
Witham in  
Essex.

**244.** Col. Mathew, Lt. General of the Leeward Islands, to Mr. Popple. *In reply to June 10th*, knows no objection to Richard Cooke *etc.* *Continues*: By the Minutes of the Assembly of St. Christophers I find their Lops. had sent to Generall Hamilton's for ye proceedings of the Couneills and Assemblys even since 1713, they not having reed. them. I having commanded there during part of that time, may probably have incurred their Lops. censure. *Explains* that he sent Minutes of the Councils and Assemblies, and accounts of stores and imports and exports regularly to Mr. Duport, with duplicates for Antego to Nathl. Carpenter, for Montserrat to Messrs. Tryon & Carpenter, and for Nevis, to Col. Jorie, "all which those agents wrote me word were delivered to your office." *etc.* *Signed*, William Mathew. *Endorsed*, Recd. 16th., Read 18th, June, 1719. 2 $\frac{1}{2}$  pp. [C.O. 152, 12. No. 139.]



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June 13.  
Boston

**245.** Mr. Bridger to Mr. Popple. *Returns thanks for the Board's representation to the Treasury etc. Repeats parts of June 26 and July 9. Mr. Armstrong, Mr. Burniston's deputy knows not an oake from a pine etc. His duty as Collector of New Hampshire, wch. is on the water chiefly, cannot correspond with his duty as Surveyor of the woods etc. I have procured two Acts of Assembly at Portsmo. last month, as to the preservation of the pitch pine there was a great necessity for it tho' I could not prevaile to get an Act before. There are thousands of those trees killed by making of tirpentine, for the country people out of a covetious desire of gain boxed those trees on three sides some, on others 4 sides, wch. infaliably kill'd those trees. In 2 years at farthest I have rod many miles together thro' such woods and all the trees dead, the Assembly came into it at last. The 2 Act is, that the treasurer is obliged to pay any person of the Province 12d. a pound for any quantity of good, sound, water-retted merchtble. hemp, and to continue for three years, this time I thought, and know will bring people into the manufacturing of hemp to their great benefitt. I am sorry I must leave them in the darke, having promised to assist and instruct them etc. I can't stay here and starve etc.*

P.S. I understand that the Commrs. of the Navy have contracted for sundry Naval Stores to be brought hence, and as the premium is taken of all stores but such as shall be fit for the service of the Royal Navy, and that there will be a proper person to survey and mark all stores etc., I beg their Lordships' favour for this office etc. The Navy I understand are fell into the way of paying the ships' bottoms with tirpentine and sulphur etc. wch. I advised 20 years since etc. *Signed, J. Bridger. Endorsed, Reed. 20th Aug., Read 10th Sept., 1719. 3¼ pp. Enclosed,*

245. i. Duplicate of No. 270. i.

245. ii. Copies of two Acts of New Hanpshire, 2 May, 1719, for eneouraging Naval Stores etc. *Same endorsement. 1½ pp. [C.O. 5, 867. Nos. 47, 47. i.-iii.]*

June 16.  
Whitehall.

**246.** Lords Justices to Governor Shute. Restitution is to be made to Mr. Hiriberry of the vessel and effects taken from him at Canso by Capt. Smart, (v. No. 248.). *Signed, Ch. Delafaye. Endorsed, Reed. (from Monsr. Hiriberry) 15th, Read 20th Sept. 1720. French translation. 3 pp. [C.O. 5, 867. No. 75.]*

[June 16.]

**247.** Petition of merchants of London trading to Jamaica to the Lords Justices. Severall of your Petitioners have reced. notice from their correspondents at Jamaica that the trade of that Island with the Spaniards in those parts is rendered impracticable by reason that the Comanders of H.M. ships attending the service there do threaten to take as prize all such

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ships and vessells belonging to H.M. subjects as shall trade on the coast of New Spain or elsewhere with any of the subjects of Spain in America under colour as we apprehend of the warr being lately declared with the Spanish Nation in Europe. By this meanes great quantitys of woollen and other British manufactures now lying at Jamaica of great value cannot be exported for sale to the Spanish coast but must be unavoidably destroyed by the insects which swarm in that country unless forthwith returned to England again *etc.* Hereby the only channell left to Great Britain of coming att or trafficking for any silver is not only cutt off and wholly stopped at present but this discouragement to the Spanish traders added to the many losses they have sustained by the pirates, will induce them to quit and abandon the said trade which must consequently fall into the hands of their rivalls the Dutch at Cuirassao and the French at Petit guaves (which our ships of war do not molest) and so be a meanes of looseing our share thereof for ever. Petitioners do conceive that these restrictions touching this trade, tending only to oppress H.M. subjects and not those of any other Prince in alliance with H.M. are contrary to the words and the intent of H.M. late Declaration of Warr. This trade hath been so far from being discouraged in this manner in all times before and even during the former warr with Spain and France that H.M. ships of warr have been constantly appointed for it's protection and security and provision made by Parliament in divers Acts for encouraging the same. *Pray that orders may be sent to the Governour of Jamaica and Comanders of H.M. ships of warr there or other relief given to this branch of British trade etc. Signed, Tho. Lane, and 23 others. 1 p. Enclosed,*

247. i. Extracts of letters from correspondents in Jamaica.

(a) Lewis Galdy to Mr. Lamago [? Aron Lamego] Portroyall, 24th March, 1719. The warr so much desired here is like to be of no advantage to us. All trade with the Spaniards being forbid *etc.*

(b) Isaac Bravo, Jamaica, to John Mendez de Costa. 23rd March, 1718. We have freighted a sloop for Portabello, but upon the arrivall of the *Deal Castle* with letters for the Governour that the warr was proclaimed against the Spaniards he ordered the same publication to be made here, he likewise recd. instructions from the Admiralty, for the Captains of the men of warr that in case they should meet with any ships trading with the Spaniards in any port they should take them as prize *etc.* Wee applied ourselves to the Governour and the King's Attorney and both of them promised that they would not hinder us, but would not pass their words for the Comanders of the men of warr.

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(c) Charles Alderoft to Wm. Bignell, Jamaica, 30th March. On the 17th warr was proclaimed, and we have already nine privateers commissioned and more will soon follow, they and our men of warr threaten all who shall be found trading with the Spaniards *etc.* Wee hope Instructions from the King will be sent our governors how we are in that point to behave with orders for our men of warr to protect our trade which is of no small advantage to the English in generall and the only way to put Jamaica into a flourishing condicion.

(d) Moses Lamego att Portroyall to Aron Lamego. 23rd March. We shall be very glad to have orders from England by the first ships for the takeing off this prohibition because we believe the Spaniards are very inclineable to trade with us. *Endorsed*, Read 16th June, 1719. Agreed to. 1 p. [C.O. 137, 46. Nos. 37, 37. i.]

June 16.  
Whitehall.

**248.** Order of Lords Justices in Council. Approving Representation of June 5, and directing Governor Shute and Capt. Smart to make restitution to Johannis de Hiribirri, and all other the Most Christian King's subjects, of their effects seized at Canceau, provided satisfaction be given to all H.M. subjects on whom any reprisalls may have been made by the French on occasion of this seizure: "and you are to declare and signify in such manner as you shall think proper that this restriction is not to give the French any new right or claim to the said Cape or Isle of Canceau or the lands thereunto belonging, but that H.M. right thereto shall be and remain as full and entire, and in the same force and virtue as if the said restitution had never been made: And altho' we do not discommend the zeal you have shewn for H.M. service, and for supporting the rights of the Crown; yet as the keeping up a perfect friendship between Great Britain and France is necessary for the security and welfare of both, you are as well in this as in all other occasions to do all that in you lies towards maintaining and improving the good correspondence and union between them, and to prevent and remove all occasions of dispute or contention between the two Nations." *Countersigned*, Ch. Delafaye. [C.O. 324, 33. pp. 230-232.]

June 18.

**249.** Mr. West to the Council of Trade and Plantations. *Reply to June 10.* I have no objection to the draught of the Commission for Governor Philips *etc.* *Signed*, Richd. West. *Endorsed*, Reed. 18th., Read 19th June, 1719.  $\frac{3}{4}$  p. [C.O. 217, 2. No. 76; and 218, 1. p. 416.]

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June 18.  
Whitehall.

**250.** Council of Trade and Plantations to the Lords Justices. Recommend John Cochran, William Irish and Richard Cooke to fill vacancies in the Council of Montserrat *etc.* [C.O. 153, 13. p. 413.]

June 19.  
Whitehall.

**251.** Mr. Delafaye to the Governor of New England. I send you by command of the Lds. Justices copys of letters *following*, complaining of your treatment of Capt. Smart, which appears so extraordinary, that if it be as is represented, their Excys. expect you should give him satisfaction for the injury he has suffer'd by the illegal proceedings against him, and if you can shew it to be otherwise you will send a state of the matter supported by vouchers and evidence necessary for your justification. *Signed*, Ch. Delafaye. *Annexed*,

251. i. Mr. Burchett to Mr. Delafaye. Admiralty Office, 13th June, 1719. My Lds. Commrs. of the Admty. desire you will lay *enclosed* before the Lords Justices *etc.* that their Excys. may be inform'd in what unjustifiable and disrespectfull manner Capt. Smart has been treated by the Governor of New England, as well as other irregularitys committed by him in matters relating to H.M. maritime service *etc.*, being of such a nature as may carry with it very evil consequences. Their Lops. do humbly desire that such notice may be taken thereof to him as may effectually put a stop to the like for the future. *Signed*, J. Burchett.

251. ii. Extract of letter from Capt. Smart to Mr. Burchett. H.M.S. *Squirrel*, Boston, 28th Jan., 1719. As to the many private injuries and abuses which I have suffer'd from the Govr. and his enissaries, because I could not be brought to submit my Instructions to his arbitrary will, and own his authority to be superior to that of my Lds. Commrs. of Admty., I should have willingly past over them all without offering the least complaint, if I had not very lately met with such a surprising instance of his inveterate malice against me, and his disrespect to the King's service; that it can only be parallel'd in the annals of his predecessors, I mean the Govrs. of this Independt. Countrey. His Seereary coming at night into a gentleman's house where I was with some company, treated me with unmannerly and provoking expressions. To avoid giving disturbance to the family I went away and next morning call'd upon him to know his reason for taking such liberty with me and if he persisted still in the same opinion. He told me he did and was resolv'd to justify it. Tho' this encounter was attended with no greater mischief than a slight wound in his arm, yet in a few days after the Judges of the Superior Court being

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assembled on the Bench, and signifying by a private messenger their desire to speak with me, which I readily comply'd with not apprehending their design, without any complaint or process, nay without any tryal or form of proceeding they order'd their Sheriff to carry me immediately to the common goal, and there detain me 24 hours, and besides a fine of £10 which they sentenc'd me to pay to the King, they oblig'd me to find security in an unreasonable sum for my good behaviour. I fulfill'd the judgement which was principally founded (as one of the Judges declared in Court) on the assurance the Govr. had given them by an Act of Parliamt, made in England, it is present death to give a challenge, which, if true, could never be apply'd to my case since I was not the aggressor. *Copy.* [C.O. 324, 33. pp. 233-236.]

June 19.  
Boston.

**252.** Mr. Bridger to Mr. Popple. Repeats objections to Mr. Armstrong as Deputy Surveyor of the Woods *etc.* Cf. June 26, July 9 *etc.* *Signed,* J. Bridger. *Endorsed,* Recd. 5th Aug., Read 10th Sept. 1719. *Addressed.* 3 pp. [C.O. 5, 867. No. 48.]

June 19.

**253.** Lords Proprietors of Carolina to Governor Johnson. We have considered your complaint of the great difficulty you labour under in procuring the persons (whom we lately appointed to be of your Council to assist you in the administration of the Government of Our Province) to attend in Charles Town. We therefore are willing to ease you in that affair, as far as we can, and have and do by these presents appoint you a Council consisting of the twelve persons following vizt., Ralph Izard, Nichs. Trott, Cha. Hart, Saml. Wragg, Wm. Gibbons, Ben. de la Counceleire, Wm. Ball, Hugh Butler, Peter St. Julian, Francis Yonge, Jacob Satur, Jona. Shrine, Esqrs., whom we enjoin you immediately to summon upon your receipt of this, that they may qualify themselves and sit upon business as soon as may be. *Signed,* Carteret Palatin; M. Ashley, J. Colleton, J. Danson. [C.O. 5, 290. pp. 142, 143.]

June 19.

**254.** *Same to Same.* Upon reading your letter to my Lord Palatin, wherein you complain of Colo. Rhett's affronting you, we think it proper to inform you, that we highly resent any indignity offer'd to you who represent us; and we do assure you, that we are firmly resolv'd always to support the dignity of our Governors; and therefore in case Mr. Rhett has not given you satisfaction upon that accot. or refuse to do it, we do hereby order you immediately to suspend him from the executn. of his office, but not to put any other person in his room till our further order. We do assure you that no

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complaints have come to us or to either of us against you from Colo. Rhett, as has been reported. *Signed as preceding.* [C.O. 5, 290. pp. 143, 144.]

June 19.  
Whitehall.

**255.** Council of Trade and Plantations to the Lords Justices. *Enclose following. Continue:* The Province [*of Placentia and Nova Scotia*] not being hitherto peopled or settled by H.M. subjects, we did not think it necessary, that either the Commission or Instructions for Col. Philips should be so extensive, as those for H.M. other Governors in America *etc.* But for Col. Philips better Government, in addition to these Instructions, we have thought it necessary, that he should have with him, a copy of H.M. Instructions to His Governor of Virginia, which may be of use to him so far as they shall be applicable to cases that may happen and are not sufficiently provided for by these instructions, till H.M. further pleasure shall be known. Your Excellencies will perceive that the Instructions we have prepared for Col. Philips, are entirely calculated for the laying out and making a new settlement, wherein we have made the best provision we are able to propose at present for the peopling of the country, for promoting the fishery, for the preservation of the timber fit for ye Royal Navy and for encouraging the productn. of Naval Stores, more particularly of hemp, which is very much wanted in H.M. Dominions. There is a clause in the said Instructions whereby the Govr. is directed to live in perfect friendship and good correspondence with the Governor of Canada and all officers and other subjects of his Most Christian Majesty in those parts, and to avoid as far as in him lies all occasions of dispute or contention with them. But at the same time, considering how formidable the French already are there, and how much reason there is to be jealous of their new settlements and extent of territory on the back of the British Plantations from ye Gulph and River of St. Lawrence down by the Lakes and the River Missisipi to the Bay of Mexico, we have prepared an Instruction directing Col. Philips to keep a watchful eye upon them, and to transmit from time to time the best accounts he can get of their proceedings. And as we are convinced from all the accounts that we have received from America, that nothing has so much contributed to strengthen the hands of the French in those parts, as the friendship they maintain, and the intermarriages they make with the Indians we have not only prepared a clause in his said Instructions, requiring him to give all civil and friendly treatment to the Indian Nations or clans within his Governmt., but have likewise taken the liberty to propose an Instruction for encouraging of intermarriages between H.M. subjects and the said Indians, which we hope may have a very good effect there, and can occasion but a small expence to H.M. We were the rather

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induced to offer this Instruction because of ye weak condition Nova Scotia is in at present, being only inhabited by French planters, who have hitherto refused to take the oaths to H.M. and by the Indians, who are very much influenced by the French Missionaries; to which may be added that this Province lies between the two French settlements of Cape Breton and Canada, where they are very strong and numerous, and daily eneroaching upon H.M. territories in those parts. We think it highly necessary that a reservation should be made of certain tracts of land in proper places to be set apart for the production and preservation of timber for the use of the Royal Navy, and as we have proposed in the said Instructions, that the Govr. shall make no grants, till the country shall have been survey'd; we humbly offer that the Surveyor General of the Woods on the Continent of America have directions forthwith to repair to Nova Scotia, and mark out such parts thereof as are proper to be reserved for this purpose agreeable to the said Instruction. We have likewise prepared and herewith lay before your Excellencies another draught of Instructions for Col. Philips, which relate only to ye observance of the several Laws of Trade and Navigation, and are in the usual form *etc.* Repeat proposal for a ship to attend the Province *etc.*; "for in our humble opinion it will be impossible for Col. Philips either to protect the trade and fishery of H.M. subjects there, or to put the greatest part of his Instructions in execution, without such an assistance." *Annexed.*

255. i. Draught of H.M. Commission to Richard Philips to be Governor of Placentia and Cap. General and Governor in Chief of Nova Scotia or Accadie. To appoint a Council not exceeding the number of 12, levy forces, grant lands under a moderate quit-rent, and "do execute and perform all and every such further act and acts as shall or may tend or conduce to the security of our said Province, and the good people thereof and to the honour of our Crown," *etc.*

255. ii. Draught of H.M. Instructions to Governor Philips. 1-8. Usual Instructions as to Councillors. (ix). And the better to enable H.M. to compleat what may be further wanting towards the establishing a civil Governmt. in the said Province, you are to give unto H.M. by one of his principal Secretaries of State, and to the Commissioners for Trade and Plantations, by the first opportunity after your arrival there, a true state of the said Province, particularly with respect to the number and qualifications of the people that either are there, or hereafter shall resort thither, of what number it may be proper to constitute an Assembly? What persons are proper and fit to be judges, justices or sherrifs? and any

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other matter or thing, that may be of use to H.M. in the establishing a civil Government as aforesaid. (x) In the meantime till such a Government shall have been established you will receive herewith a copy of the Instructions given to the Governor of Virginia, by which you will conduct yourself, till H.M. further pleasure shall be known, as near as the circumstance of the place will admit, in such things as they can be applicable to, and where you are not otherwise directed by these Instructions. But you are not to take upon you to enact any laws till H.M. shall have appointed an Assembly and given you directions for your proceedings therein. (xi) Whereas we are informed that the inhabitants of Nova Scotia (except those of the Garrison of Annapolis Royal) are most if not all of them French, who never took the oaths of fidelity and allegiance to H.M., or to the late Queen; notwithstanding such their undutiful behaviour, you are immediately upon your arrival there, to invite them in the most friendly manner by Proclamation and otherways, as you shall think fit to submit to your Government and swear allegiance to H.M., within the space of four months from the date of such your Proclamation, upon which condition, they shall enjoy the free exercise of their religion, and be protected in all their civil and religious rights and liberties so long as they shall behave themselves as becomes good subjects. (xii) You shall take care to give notice to H.M. by one of his principal Secretaries of State and to the Comrs. for Trade and Plantations of the effect of this Proclamation and expect H.M. further orders thereupon for your conduct towards such of the sd. French inhabitants as shall not have comply'd therewith by the time therein prefix'd. But in the mean while, you are to observe that the sd. French inhabitants of Nova Scotia have long since lapsed the time, granted them by the Treaty of Utrecht, for removing their effects from thence to any part of the French Dominions in America; and therefore if any of the said French inhabitants should notwithstanding the encouragement given them to become good subjects to H.M. resolve to remove out of your Government, you are to take particular care as far as in you lies, that they do no damage, before such their removal to their respective houses and plantations, and that they be not permitted to carry off their effects with them. (xiii) And as it is not reasonable that such of the French inhabitants as shall neglect or refuse to take ye oaths of allegiance aforesaid,



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within ye time prefix'd, should enjoy ye same liberties and advantages with the rest of H.M. subjects in Nova Scotia, you are hereby directed, to debar them from fishing on the coast, till H.M. further pleasure be known concerning them. (xiv) You are to send to H.M. by one of his principal Secretarys of State, and to the Comrs. for Trade and Plantations an acct. of the number of the said French inhabitants remaining in that Province; Where their settlements are? Whether they live in townships, or are scatter'd at distances from each other? What trade they carry on, either with the Indians or otherwise? And how they employ themselves for the subsistence of their families? What number of ships they have? How they are employ'd? To what markets they carry the fish they catch? And what goods or commodities they bring back (and from what places) in return for their said fish? Also the like accounts with respect to such of H.M. natural born subjects, as are already settled in the said Province. (xv) You shall after your arrival there propose to the Governor of Canada to appoint one or more Commissaries in behalf of ye French, to be joined with such as you shall appoint on H.M. part to view the limits between H.M. territories and those of France bordering on Nova Scotia pursuant to the Articles of the Treaty of Utrecht and to such further Instructions as you shall receive from hence for that purpose; and you shall send a full account of your proceedings herein to one of H.M. principal Secs. of State to be laid before H.M. and to the Comrs. for Trade and Plantations as aforesaid, with your opinion upon the whole. (xvi) You shall live in good correspondence with the said Govr. and all other officers and subjects of the most Christian King, taking particular care that no violence be offer'd to them, whereby an occasion might be given to interrupt the friendship and good correspondence between the two Crowns, which more particularly in the present juncture, is so necessary for their mutual advantage, and in case the subjects of France should make any depredations upon those of H.M. or do them any other injury, you shall not make reprizals without further order from H.M., but you shall in an amicable manner demand redress of the Govr. of Canada, or such other officer as it may concern; But if it should so happen that he persist in justifying what such subjects of France may have done, and that either thro' his obstinacy or the dubiousness of the case, you shall not be able

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to adjust the difference between yourselves, in a friendly manner, you shall represent the same to one of H.M. principal Secretaries of State, and to the Commissioners. for Trade and Plantations to be laid before H.M., acquainting the said Govr. or other officer in the first place with your intention so to do, and offering to impart to him your represn. of the case if he will, in like manner communicate to you what he writes to the French Court upon that subject. (xvii) You are notwithstanding to keep as strict a watch as possible upon the proceedings of the French at Cape Breton and in Canada and particularly you are to send to H.M. by one of his Secretaries of State and to the Commrs. for Trade and Plantations frequent accounts of their number, strength and situation—what commerece they carry on—and what progress they have made in their settlement on the back of the British Plantations, especially with regard to the communication they are said to have opened from the Gulph and River of St. Lawrence to the Lakes of Ontario and Erie, and from thence down the River Missisipi to the Bay of Mexico. (xviii) You shall to the utmost of your power encourage the growth and production of timber, masts, tar, hemp and other Naval Stores, in the Province of Nova Scotia, and you are to enquire, what trees there are in the said Province fit for masts for the use of the Royal Navy and in what parts of the country they grow at what distance they are from any rivers whereby they may be the more commodiously brought down, in order to be shipt for this Kingdom. (xix) And you are in a particular manner to signify H.M. express will and pleasure to all the inhabitants that now are or hereafter shall come to settle there, and to take care yourself, that no trees fit for masts for the future, of the diameter of 24 inches and upwards at 12 inches from the ground be cut without H.M. particular licence. (xx) You are to endeavour to get a survey made of the said Province of Nova Scotia as soon as conveniently may be ; and in the mean time you are to send to H.M. by one of his principal Secretaries of State, and to the Commrs. for Trade and Plantations the best description of that country you are able to get, with relation to its extent and situation, with respect to ye neighbouring French of Canada and Cape Breton. (xxi) You are also to send the most particular account you can of ye nature of the soil. What swamps there are in it ? and whether those swamps do produce mast trees, or by drayning may

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not be made fit for raising of hemp ? What other products the country is capable of ? and how the same may best be improved for the advantage of this Kingdom ? and what trade may be carried on with the Indians for furs and otherwise ? What navigable rivers there are in ye said Province and what others fall into them ? (xxii) And whereas we have judged it highly necessary for H.M. service that you should cultivate and maintain a strict friendship and good correspondence with the Indian Nations inhabiting within the preeincts of your Governmt. that they may be reduced by degrees not only to be good neighbours to H.M. subjects, but likewise themselves become good subjects to H.M., we do therefore direct you upon your arrival in Nova Seotia to send for the several heads of the said Indian Nations or clans, and promise them friendship and protection on H.M. part. You will likewise bestow on them, as your discretion shall direct, such presents as you shall carry from hence in H.M. name for their use. (xxiii) And as further mark of H.M. good will to the said Indian Nations ; you shall give all possible incouragement to intermarriages between H.M. British subjects and them for which purpose you are to declare in H.M. name, that H.M. will bestow on every white man being one of His subjects, who shall marry an Indian woman, native and inhabitant of Nova Seotia, a free gift of the sum of £10 sterl. and 50 acres of land, free of quit rent for ye space of 20 years, and the like on any white woman being H.M. subject who shall marry an Indian man, native and inhabitant of Nova Seotia, as aforesaid. (xxiv) And whereas it will be of advantage to H.M. service and highly beneficial to the trade of Great Britain, that the said Province of Nova Seotia be peopled and settled as soon as conveniently may be ; as an incouragemt. to all H.M. good subjects, that shall be disposed to settle themselves and their families there ; you are hereby directed to make grants of such lands in fee simple as are not already disposed of by H.M., to any person that shall apply to you for the same ; reserving nevertheless to H.M., his heirs and successors an annual rent of one shilling, or of three pound of hemp, clean, bright and water-rotted for every fifty acres so granted, at the election of the grantee ; the said rent to commence three years after the making the grant, and not before ; you are to take especial care, that there be a clause inserted in all ye said grants, declaring, that if any grantee shall refuse or neglect to pay the

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abovementioned rent for the space of three years, after ye same shall become due, his patent shall henceforth be null and void to all intents and purposes whatsoever, (xxv) But as great inconveniencies have arisen from suffering one single Proprietor to possess too large tracts of land in H.M. Plantations. It is H.M. express will and pleasure, that for the better settling and peopling ye Collony under your Government, that you do not, upon any pretence whatsoever, grant unto any one person above the number of 500 acres ; It being H.M. intention that no person whatsoever either in his own name or any others in trust for him, do hold any more than 500 acres as aforesaid until H.M. further pleasure shall be known thereupon. And in all such grants of land as you shall hereafter make ; you are to have particuar regard to the profitable and unprofitable acres, that is to say, that no man shall have his whole grant run lengthways upon the banks of a river, but that a due proportion of what shall be granted to him do run from ye river upwards into the country. (xxvi) And whereas it is and hath been a common practice in H.M. Plantations in America for persons to take out patents for sundry tracts of land without being in any condition to cultivate the same ; you are hereby directed to cause a clause to be inserted in every grant of land by you to be made, as aforesaid ; whereby the said grant shall become void and null to all intents and purposes, if the grantee or his assigns do not cultivate, inclose, plant or improve at least one tenth part of the lands granted within the space of three year, to be accounted from the date of ye patent, and so progressively one other tenth part within the space of every other subsequent three years, until the whole tract of land contained in the said patent shall be cultivated, inclosed, planted or improved. (xxvii) And that H.M. may at all times be exactly informed of the state of the Province, particularly with respect to the lands that shall be granted ; you are to cause a book to be fairly kept wherein shall be registered all ye grants made by you specifying the names of the grantees, the number of acres granted, with their situation and boundaries and the quit rents thereon reserv'd together with ye dates of each respective grant. And you are to transmit to H.M. by one of his principal Secretaries of State and to his Commissrs. for Trade and Plantations, transcripts of such registers at least once a year. (xxviii) But as it is H.M. pleasure that certain tracts of land which shall be

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found upon a survey, to be most proper for producing of masts and other timber for the use of the Royal Navy, lying contiguous to the sea coast or navigable rivers, be reserved for H.M. service ; you are not to grant any lands till such tracts shall have been marked out and set apart for H.M. use, not amounting to less than 200,000 acres in the whole, in which you shall strictly forbid all the inhabitants of Nova Scotia, or others that may come there, to cut any trees of any dimensions whatsoever, upon pain of H.M. highest displeasure and of the utmost penalties the Laws can inflict. (xxix) It being H.M. intention to give all possible incouragement to the trade of all His subjects ; you are to use your best endeavors that the fishery on the coast of Nova Scotia be encouraged and protected ; and in order thereunto you shall not allow any settlements to be made on the coast, but what shall be at 200 yards distance from the sea or harbour, that there may be sufficient room left for beaches, flakes, stages, cook-rooms, and other necessary conveniencies between the said settlement and the sea, for any of H.M. subjects that shall come to catch and cure fish there, who are not to be impeded, molested or disturbed in their curing their fish, upon any pretence of grants or settlements upon the coast. Nor shall any of the planters and inhabitants demand any sum or sums of money or other acknowledgement from the fishermen for the liberty of curing upon the coast, unless they provide stages and cook-rooms with a shore man to each stage, and the usual necessaries for such fishing ships, as is done at Marblehead in New Engl. And in such case they shall ask no more than 12*d.* in New England money for every quintal. (xxx) And to render the commerce of H.M. subjects in Nova Scotia, more commodious and practicable, you are to take especial care in all such grants of land as you shall make, pursuant to your Commission and these Instructions, that a continued space of land on the banks of all creeks and rivers, of the breadth of one hundred yards, be reserved free and common to all passengers and publick uses whatsoever. (xxxi) Whereas there have been great complaints that H.M. soldiers in garrison at Annapolis have been very ill treated with regard to their clothing and provisions, and in several other respects ; you shall make particuar enquiry into any abuses of this kind that may have been heretofore, and transnit an account thereof to H.M. Secretary at War ; and you shall take care that no occasion be given

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hereafter for complaints of this nature. (xxxii) And whereas the settlements which have been made by H.M. subjects in Newfoundland have by experience been found prejudicial on many accounts to the trade of Great Britain, and it being apparently more for H.M. service and the intrest of his Dominions, to establish a British Colony in Nova Scotia sufficient to support its self against any attempts of other European nations and of the neighbouring Indians: you shall use all proper methods for inducing the present inhabitants of Newfoundland to remove to Nova Scotia as well for the better settlement and strengthening of that Colony as for improving the Fishery in those parts. (xxxiii) And in order thereunto, you are hereby impowered to grant 100 acres of land to each family that shall transplant themselves from Newfoundland and settle under your Governmt. under the abovementioned Instructions for improvemt. of the said land to be held at a pepper corn rent for the first 20 years, from H.M., his heirs and successors, but to be afterwards subject to the same quit rents as shall be payable according to the preceding Instructions *etc.* (xxxiv) The Officers of H.M. Ordnance having in pursuance to ye directions given in that behalf, appointed the making of a redoubt and other works at Placentia, which are judged sufficient for securing the fishery of H.M. subjects there, you shall give all the protection and assistance you are able to ye persons employ'd in raising the said fortifications. And when they shall be finished, you shall with the first convenient opportunity remove the garrison from thence to Annapolis Royal, leaving only such a number of men there, not exceeding 50, with proper officers as you shall judge sufficient for the defending of those works. (xxxv) You shall strictly enjoin both the present and future garrison of Placentia and all H.M. Officers and soldiers, and other persons whatsoever belonging thereto, not to concern themselves in the fishery there nor interrupt the fishermen in ye curing of the fish nor to take up for themselves any beaches, stages or cook-rooms upon any pretence whatsoever, upon pain of H.M. highest displeasure. [C.O. 218, 1. pp. 417-448.]

June 19.      **256.** Mr. Popple to Col. Mathew. *Reply to 12th June.*  
 Whitehall.    Their Lordships did not at all design any reflection upon you,  
*etc.* [C.O. 153, 13. p. 414.]

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- June 19. **257.** Council of Trade and Plantations to the Lords Justices. Recommend repeal of Act of New York reviving an Act *for the easier partition of lands in joint-tenancy*. Quote Mr. West's report, 6th May, *q.v.* *Set out*, N.Y. Col. Does. V. 527. [C.O. 5, 1124. pp. 107-109; and (corrected draft) 5, 1079. No. 109.]
- June 20. **258.** General Nicholson to the Council of Trade and Plantations. Last night I recd. yours of yesterday's date *etc.* I have no such thing as the King of France's Order for the cession of Nova Scotia *etc.* Signed, Fr. Nicholson. Endorsed, Recd. Read 23rd June, 1719.  $\frac{1}{2}$  p. [C.O. 217, 2. No. 77].
- June 23. **259.** Mr. Burchett to Mr. Popple. Refers to letter of Dec. 27th, 1717 *etc.* Continues: Mr. Coleman having represented that Governor Sir N. Lawes, hath declared unto him, that my Lords of the Admiralty have nothing to do with the said store-houses, they being immediately under his care, as having been built at the charge of the Island, they desire you will let me know what answer the Lords of the Council for Trade and Plantations have received from Sir N. Lawes to their letter. Signed, J. Burchett. Endorsed, Recd. 23rd, Read 25th June, 1719. Addressed. 1 p. [C.O. 137, 13. No. 28; and 138, 16. p. 183.]
- June 23. **260.** Mr. Vaughan to the Council of Trade and Plantations. When I was Lt. Governor of New Hampshire, I suspended Saml. Penhallow from the Councill and dissolv'd the genll. Assembly *etc.*; weh. I immediately advis'd your Lordships off; for weh. my so doing, Col. Shute, when he came into the Government called the Councill, and suspended me as Counciller, for acting as Lt. Governor, restored Penhallow to his place; called ye sd. dissolved Assembly, eight dayes after their dissolution; weh. was minuted in the Councill and Assembly Records; and perswaded most of them to sitt and act as an Assembly; weh. they do to this day; and those who would not act (and gave reasons to ye contra) were taken into custody of the Sherriff, and bound to their good behaviour, without limitation of time, which bonds continue still in force. In a little time after these things hapned, my Commission was superceeded, which gave me opportunity to come home *etc.* I gave yr. Lordships an account, not doubting but complaint would come against me. I have been here almost a year, and cannot find anything alledged. I think myself and the Govermt. injured. Prays for their resolution upon enclosed copies of records *etc.* Signed, George Vaughan. Endorsed, Recd. 25th June, Read 1st July, 1719. 1 p. [C.O. 5, 867. No. 38.]
- June 24. **261.** Office accounts of the Board of Trade, March 25—June 24, 1719 *v.* Journal of Council. [C.O. 388, 77. Nos. 59, 61, 63, 64.]

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June 24.  
Whitehall.

**262.** Mr. Popple to Mr. West. Encloses, for his opinion thereon, four Acts of Antegoa, 1718, 1719, (i) *for declaring the qualification of those who shall vote for Assembly or Vestry men, or serve as such, and for ascertaining the rules, rights and privileges of the Assemblys.* (ii) *To quiet present possessors of lands to limit actions and avoid suits in law.* (iii) *for establishing a Court of King's Bench, Common Pleas and Errors for the better regulating and settling due methods for the administration of Justice and limiting a time for issuing execution out of the Court of Chancery in this Island.* (iii) *An Act for raising a tax of £5,000 current and lawfull money of this Island for paying publick debts and charges over and besides the duties already laid on liquors and lands by certain Acts of this Island.* Encloses reports by former Attorney General upon Acts of the like nature *etc.* [C.O. 153, 13. pp. 418, 419.]

June 25.  
Admiralty  
Office.

**263.** Mr. Burchett to Mr. Popple. I have received an answer from the Commissioners of the Victualling (v. 10th and 11th June), that they have wrote to their correspondent at Barbados (who is under contract with them to supply the ships both there and at the Leeward Islands) to take effectual care to supply the ship situated at the Leeward Islands with provisions at the said Islands *etc.* Signed, J. Burchett. Endorsed, Recd. 25th, Read 26th June, 1719. Addressed. 1 p. [C.O. 152, 12. No. 141.]

June 25.  
Whitehall.

**264.** Order of Lords Justices in Council. Referring Act of New York *for paying several debts of that Province etc.*, to the Council of Trade and Plantations for their opinion thereupon. Signed, Robert Hales. Endorsed, Recd. 10th, Read 16th Sept., 1719. 1 p. [C.O. 5, 1051. No. 98; and 5, 1124. pp. 118, 119.]

[June 25.]

**265.** Copy of letter from M. Pontchartrain to Governor the Marquis de Vaudreuil, informing him of the cession of Nova Scotia, Newfoundland, and Hudson's Bay to Great Britain, to which he is to conform *etc.* Marly, 6th May (N.S.), 1713. Signed, Pontchartrain. Endorsed, Recd. (from Col. Moody,) Read 25th June, 1719. French. 1 p. [C.O. 217, 2. No. 78.]

June 25.  
Whitehall.

**266.** Order of Lords Justices in Council. Approving Representation of 19th June, and Commission and Instructions of Governor Philips, and ordering accordingly. Set out, A.P.C. II. No. 1320. Signed, Robert Hales. Endorsed, Recd. 10th, Read 16th Sept. 1719. 1½ pp. [C.O. 217, 2. No. 88; and 218, 1. pp. 450, 451.]

June 25.  
Whitehall.

**267.** Mr. Popple to Richard West. Encloses, for his opinion thereon, two Acts of Jamaica, 1718, (i) *to oblige the*



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*several inhabitants to provide themselves with a sufficient number of white people etc., (ii) for the encouragement of voluntary parties to suppress rebellious and runaway negroes.* [C.O. 131, 16. pp. 214, 215.]

June 25.  
Whitehall.

**268.** Mr. Popple to Mr. Burchett. *Reply to June 23rd.* Sir N. Lawes has not yet return'd any answer to the letter writ him 9th Jan. 1718. [C.O. 138, 16. p. 184.]

June 25.  
Whitehall.

**269.** Order of Lords Justices in Council. Referring to the Lords of the Committee for their opinion the Representation of the Council of Trade, 9th April, and Mr. Byrd's petition for leave of absence from the Council of Virginia for one year longer. *Signed, Robert Hales. Endorsed, Reed. 10th, Read 16th Sept., 1719. 1 p.* [C.O. 5, 1318. No. 69.]

June 26.  
Boston.

**270.** Mr. Bridger to Mr. Popple. *Refers to* executions obtained against Elisha Davis of Haverhill and John Sincler and Jeremiah Bean of Exeter, for destroying trees fit for masts. The lawyers say I cannot prosecute now, being out, and that the subject cannot be in one writt with the Queen, or King, *etc.* *Asks for* directions. I have used my utmost endeavours to bring these offenders to the obedience of the law tho' they have proved ineffectual. *Prays that* their Lordships will order the Attorney General here to prosecute these offenders *etc.* *Continues:* The Assembly here after more than a month's sitting with great perswasion and arguments were prevailed upon to droop the duty upon English goods *etc.* I offered the Governor the same Act that was pass'd in New Hampshire relating to the preservation of the tar tree, but it was not minded but shall endeavour for it the next sessions. I am very well informed here that the Agent offered my post to Mr. Coram, but he asked so much money that Coram refused, what Mr. Burniston gave, I cannot tell, *etc.* The Agent kept back the leter you gave for me, and arranged that Mr. Armstrong should have his deputation before I had your leter *etc.* *Hopes to be restored.* The Assembly here has not given the Agent any money, and are very angry with him and say they will have no more to do with him. I cannot omit giving your Honr. an account of the growth of the woolen manufacture in this Province in a great many sorts, as cloths, serges, shaloons, kerseys, all sorts of stuffs almost, and some linnin, and there is scarce a country man comes to town or woman but are clothed [*in their*] own spinning. Every one encourages the growth and manufacture of this country, and not one person but discourages the trade from home, and says tis pitty any goods should be brought from England, they can live without. There is one thing which very much helps in this most pernicious trade to Great Britain, and that is cotton wool imported here from the West Indies,

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which is mixed with wool and flax and they makes both woollen and linnin therewith. *Proposes* prohibition of export of cotton wool from the West Indies into this and Road Island Governments, which would prevent near the halfe of the woollen and linnin, that is wrought up in these two Governments. There is on Nantucket 20,000 sheep, and all that wool for want of the officers looking after the prosecuting the Act which renders all wooll water bourn seizable is brought into this Governmt. *etc.* It is the same at Road Island wh. breeds many thousand sheep and upon Block Island about 5 leagues from them many thousand more and in the Naraganset country more yet. Here has been many years a jealousie of some merchants, shipping some of those woolls abovementioned for France; and I querey whether the earicing of such wooll to France, be a greater prejudice to the manufacture of Great Britian, than for the people here to spin and cloath themselves with such wooll. If some care be not soon taken those people here will be able to live without Great Britain in a little time than there ability joyned with their inclinations will be of very ill consequence. I cannot say here are any that have a dutyfull regard to England or promotes its wellfare tho' it gave them breath. I beg you would remind their Lordps. of my being of the Council *etc.* There is one that died in May last *etc.* *Proposes*, for settling Annapolis Royal, that the tenure of lands there should be so many hundredweight of hemp according to the quantity of land granted *etc.*, and that those near the woods should deliver two masts annually, and forfeit their lands if they cut any mast tree without leave *etc.* *Signed*, J. Bridger. *Endorsed*, Reed. 27th Aug., Read 10th Sept., 1719. 4 pp. *Enclosed*,

270. i. Minute of Council in Assembly of New Hampshire, May 2nd, 1719. Thanks voted to John Bridger for promoting the two Acts for encouraging of Naval Stores within this Province *etc.* *Copy.* 1 p. [C.O. 5, 867. Nos. 46, 46 i.]

June 26.  
Whitehall.

**271.** Council of Trade and Plantations to Lt. Governor Spotswood. *Acknowledge* letters of 27th Feb., 7th and 20th March, 24th June, 14th Aug., 27th Sept., 22nd Dec., 1718, 5th Feb., and 25th March, 1719. *Continue*: We have not heard anything yet of the success you or Brigadr. Hunter have had in settling a firm peace with the five Nations of Indians, which we shall be glad to be inform'd off so soon as it shall be done. In answer to what you write abt. a Bermuda sloop seiz'd for importing French sugars, we must refer you to our letter of 4th July last, *copy inclos'd etc.* We take notice of what you wrote in relation to the state of the Revenue in Virginia and particularly what you observe upon the quit rents, and must desire to know of you whether all grants of land there are register'd, and in what Office it is done, for we cannot but

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believe it has or at least should have been a constant practice. We have sent the Act of Assembly you mention by which three years non payment of quit rent is a forfeiture of the land, to Mr. West one of H.M. Council, for his opinion whether that Act does affect the grants made before the passing thereof, or only such as shall or have been made after it, and as soon as we shall have receiv'd his answer we will write to you at large upon the subject of the quit rents. In answer to what you write in relation to Mr. Bird, to the Courts of Oyer and Terminer and to the Address of the Assembly; *enclose copies of representations.* We think you have done very well in not agreeing to the scheme the Council had projected to get £100 a year settled upon each of them as a salary out of the quit rents; as also in not passing the bills for regulating of fees, with the clause they had tack'd to it for lessening the power the King has granted to the Secretary of placing and displacing County Court Clerks. We observe what you write, 24th June, concerning the bill that had pass'd the Council and Assembly relating to the Post thro' Virginia and Maryland *etc.* *Enclose copy of Post Master General's answer.* As to the 4 Acts sent us 14th Aug. last we have resolv'd to let them lye by probationary, But upon this occasion we must take notice to you that when any private Acts are sent over the parties concern'd in those Acts should appoint some persons here instructed in the subject matter of the said Acts that they may be able to answer any objections those may be liable to. What you write, 14th Aug., relating to the dispute with some of the Council about collating to Ecclesiastical Benefices has according to your desire been referr'd to Mr. Solicitor General whose opinion thereupon as likewise the opinion of Mr. West concerning your power of proroguing Assemblies under adjournment are here inclos'd with which we entirely agree. We have seen the several Proclamations you have sent us, particularly that for preventing the unlawful concourse of people who have been guilty of piracy, and must commend your prudence and care in this matter. We have receiv'd the accts. of the imports from the Maderas and Western Islands, and desire you will continue to give us the like at least once a year; We have sent to one of H.M. Principal Secretarys of State what you write relating to the French settlements in Louisiana *etc.* We shall be glad to be inform'd of anything further that may occur to you in relation to this matter. We take notice of the difficulties you apprehend in getting a law pass'd in Virginia to prevent the abuses committed in the manufacturing pitch and tar, but upon this occasion we are to inform you that there has pass'd a clause in an Act of Parliament this last Session to remedy this abuse, which Act we herewith transmit to you. We are very much surpriz'd the Assembly should offer to re-enact the Law declaring who shall

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not bear office *etc.* without leaving out those clauses for which it had been repeal'd here, especially when the reasons for repealing the same had been communicated to them, and therefore you have done well in discouraging such an attempt. That you may be the better inform'd how to behave yourself in relation to the effects of pirates we send you a copy of Sir E. Northey late Attorney General and Sir Wm. Thomson H.M. present Solicitor Genl. their opinion upon the matter. *Enclose* Order in Council appointing Cole Digges to be of the Council *etc.* (April 10). We take notice of the complaints that you mention the Assembly have lately exhibited against you ; all that we can say at present (nobody having yet apply'd on that subject) is that you may depend upon all the countenance and support that we can give you which we think you have deserv'd. Your correspondence with us has been so exact and punctual that we cannot in justice loose this occasion of acknowledging it and thanking you for it, and to desire you to continue it for the future. We send you here inclos'd a list of such publick papers as are wanting in our Office, and desire that you would let us have them by the first opportunity. You will herewith receive for your information some observations we have made upon several Virginia Laws, and as to the Act *to prevent the malicious burning or destroying the publick store-houses of tobacco agents*, past in 1714, we must take notice that the Act upon which this is grounded having been repeal'd by H.M. this ought of consequence to be repeal'd also, but considering that this Act is now very near expiring, and that it is to preserve the store-houses already built, we shall let it lye by, however we desire you would let us know of what use those store-houses are at present, the Act by which they are built having been repeal'd, that is to say whether they are made use of for any publick service or whether they are rented out or sold to private persons. By the Naval Officer's Lists we see what quantities of tobacco are imported into England, but as we want particularly to be inform'd of the quantity sent to Scotland, we desire you to send us annually as particular an acct. thereof as possible, and that you would endeavour to get the like acct. from the Governor of Maryland. It being for H.M. service that we be at all times acquainted with the absence of Councillors from their posts in the Plantations we desire that whenever you give leave to any member of H.M. Council in your Government to be absent from his post, that such leave be under your hand and seal. and that you forthwith transmit to us a copy of such licence of leave as also an acct. when such Councillor departed your Government and to what place he is gone. *Enclose following*, to which we desire as particular an answer as you are able to give. *Annexed*,

271. i. Queries to Colo. Spotswood. (i) What number is there of inhabitants, how that number is increased

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or decreas'd of late years? and what is the number of the Militia? What Forts or places of defence are there, and in what condition? What is the strength of the several Nations of Indians in the neighbourhood of Virginia? And are their inclinations for us the French or Spaniards? What is the condition of the Spanish settlement at St. Augustine? What advantage might it be to this Kingdom to have this place taken from the Spaniards? and by what means this might be most easily accomplish'd? How the French settlement on the Mississippi may affect any of H.M. Plantations whether they have seiz'd the Fort of Pensacola belonging to the Spaniards, and what can be done to prevent any hazzard or inconvenience H.M. Plantations may be expos'd to from these settlements? What number of ships or other vessels are there belonging to the Province, where built and what number of seafaring men? What manufacturers have settled there of any sort whatsoever? and what manufactures have been set up? Are there any mines and of what sort? Whether any inhabitants of the said Colonies have remov'd and what way you conceive most proper to prevent the removal of others into any of the neighbouring Provinces? What trade is there in Virginia by exportation or importation; How and in what particulars is this trade increas'd or decreas'd of late years, and what is the reason thereof? What are the present methods us'd to prevent illegal trade, and what further methods do you think adviseable for that purpose? What is reckon'd to be the annual produce one year with another of the several commodities in Virginia? What trade has Virginia with any foreign Plantations, or any part of Europe besides Great Britain? How is that trade carried on? What commodities do the Virginians send to or receive from foreign Plantations? [*C.O.* 5, 1365. *pp.* 198-208.]

June 26.  
Whitehall.

**272.** Mr. Popple to Maurice Birchfield, Surveyor General of the Customs in So. America. My Lords Commissrs. for Trade and Plantations desire, that you would please to write to Mr. Kay, Collr. of the Customs at Rhode Island to send over hither copies of either old or new laws passed there, which are prejudicial to Great Britain; and that you would signify the same to the rest of the Collectors in ye other Proprietary Governments, and communicate what answers you receive to my Lords *etc.* [*C.O.* 5, 1293. *pp.* 177, 178.]

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June 27.

**273.** Mr. West to the Council of Trade and Plantations. *Reply to Oct. 22, 1718, as to H.M. right of presentation etc. to benefices in Virginia.* Since the Prerogative of the Crown cannot be lessen'd or taken away by any generall words whatsoever, but only by expresse terms: I am of opinion that notwithstanding anything contained in the *clauses referred to*, the King's Prerogative remains untouch'd and entire as to his right of collating to vacant benefices. *Signed, Riehd. West. Endorsed, Reed. 1st, Read 15th July, 1719. 5 pp. [C.O. 5, 1318. No. 67.]*

June 29.

Boston.

**274.** Mr. Bridger to Mr. Popple. *In reply to letter will be glad to informe their Lordships what he can, but here is no living without a salary etc. Continues:* In all places of this Govermt., there is some land proper for hemp, the only thing wanting is seed, and proper Acts for the incouragment of the sowers. I have talked to these people 20 years to no purpose. If essays were made in some proper places, these obstinate people would then see their intrest *etc.*, but they will want instructions and that they will plead, unless I stayed. I know a great many places that is very full and rich in iron ore, which has been tryed in my sight *etc.* It is equal to any, easily melted and very productive, this is in New Hampshire whence may be imported into Great Britain 100 tons from two work's only yearly, if proper encouragmt. be allowed. As to pot ashes here is every ingredient required, but want of knowledge and workmen to make it rightly is wanting. I was [*? concerned in an es*]say of this specie 19 years since but for want of knowledge in the making of it we lost £50 a man (but yet) were here workmen sent over understanding the making of pot ashes it would answer without any doubt. As to Nova Scotia, there are thousands of acres fitt for henip, and many large swamps of good pine worth preserving for H.M. *etc. Replies to enclosure, "part of the Agent's letter to Mr. Speaker."* The Assembly examined into my Memorial when I was at Piscataqua, and I knew nothing of it till two months after. Had I been heard, I should have proved every article, to their great confusion and shame; it was well for them I was absent, for by that means they preserved their beloved Idol *etc. Refers to Order in Council, 30th April, 1691, declaring the former Charter vacated etc. Main, become a part of Massachusetts by purchase, falls therefore under same restrictions of the new Charter etc.* If the people will denie the only thing that the Crown has reserved in their Charter, those will denie all things else, nor has H.M. Officers any business here, and he that affronts, abuses, and destroys all that belongs to H.M., have the greatest applause *etc.*, and has the name of being a brave, bold fellow and stands up for the Charter: a great part of this I heave heard from their pulpits. As to the present state of the Province of Main, it

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is seteling by the virtue and power of old Indian grants when a span of land was got for a gallon of rum, that is extend your hand as open as possible, then bring the hand cloose to the eye looking upon the horizon and so far as the little finger and thumb extends from each other from the top of each of them, on that horizon is called a span which perhaps is 20 miles. Others of the same company for there is but 6 or 7 of those new Proprietors who has bought all the old deeds and claimes that any one pretended to have in that part of the Province being the eastermost part, they now have devided this purchass into shares the upermost devision is 70 miles the least from the sea. In this tract there are great numbers of the best sort of mast pines *etc.* I have now a flaming and fresh instance to prove the Assembly's loyalty to the King, and their obedience to his orders, and love of his officers; vizt. [————] are come to a resolution, not to take of the duty from English goods, nor will they support the Governour this they give out. Truly those good people deserves the duty to be taken of their lumber *etc.* Asks for 100 bushells of this year's hemp seed *etc.* I am sure the New Hampshire people will goe on this manufactory. I wish I could say as much for these people here, who neither produces their own bread, beef, nor porke, nor Indian eorn; Virginia and Maryland has restrained the export of any wheat or Indian corn, should the other Provinces betwixt them and this these people would starve. Notwithstanding these circumstances, the Assembly has this sessions thrown out a bill, that was for the improvement and to encourage husbandry *etc.* Good beef 7d., mutton 6d., porke 9d., butter 10d., wheat 10s., Indian corn, 6s. 6d. pr. bushell. As for those people that live near the woods, they never will change their manner of living as long as there is a tree standing, and tis in vaine to pretend to save the woods when there is an Act of Parliament that allows of cutting all mast trees from 24in. diameter and downwards, which I fear will be the largest tree in the woods in a short time if another Act be not passed which I proposed to their Lordships some time since, and I see the necessity of it appears every day more plain. Unless Mr Cooke and his adherents were transported to some other place not to return. Cooke is now in the Assembly and opposes all that he and his party do not like, tis that party that makes all the disturbance in the Govermt., *etc.* Signed, J. Bridger. Endorsed, Reed. 27th Aug., Read 10th Sept. 1719. Torn. 4 pp. Enclosed,

274. i. Extract of letter [? from the Agent of the Massachusetts Bay to the Speaker of the Assembly v. preceding]. The Board of Trade are very angrey upon a memorial by Mr. Bridger complaining of us, that we denigh ye King's right to any woods in the Province of Main. I answered that it was only a

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particular gentleman of the Council whom Mr. Bridger accused and that the Governour had shewn his resentment in behalf of the King by refusing yt. person a seat at the Council board. Their Lordships insisted that the Assembly had owned and supported him and were themselves in the same sentiments but I product the Journals of the Assembly whereby it appeared they had examined into the matter of the complaint and came to a resolution that Mr. Bridger had not made out the allegations in his Memorial. I said I had no Instructions about the King's claim to these woods, but apprehended the Crown had no manner of right to them, haveing granted the lands and all the appurtenencys to Sr. Ferdinan Gorge without any reservation, who conveyed them again to the Province *etc.* Upon another heareing, their Lordppps. mentioned an Act of the 9th of the Queen reserveing all trees fitt for masts to the Crown in lands not the propriety of privit persons. I answered I thought it was never the meaning of any Act of Parliament to break into the subjects property wheather it was yt. of a privit person or a Corporation *etc.* It was refered to Mr. West, who alledged that no Corporation can purchas lands without a special licence which it did not appear we ever had. I found it easey to remove this objection by turning to ye Charter which confirms the purchas *etc.* *Copy. 4 pp. [C.O. 5, 867. Nos. 44, 44. i.]*

June 30. **275.** Mr. West to the Council of Trade and Plantations. *Reply to May 1st.* I am of opinion that tho' the said Acts of *Virginia* were intended for the benefitt of the subjects in that Province yet there is nothing contained in them which can discharge the Patentees antecedent to the making of those Acts from the payment of their quitt rents. The payment of the quitt rents reserved was a condition annext to their estates, nor is there anything in these Acts to preclude the Crown from taking any advantage which by the Common Law might be done, of the breaking of that condition, tho' at the same time the King has a concurrent remedy for the recovery of his quitt rents since I am clearly of opinion that all patentees of what date soever are within the purview of the clause contained in the second of the abovementioned Acts and that they may be legally prosecuted thereupon. *Signed, Richd. West. Endorsed, Recd. Read 15th July, 1719. 2 pp. [C.O. 5, 1318. No. 68.]*

June 30. **276.** Mr. Popple to Mr. Burchett. Encloses extract of Whitehall. Sir N. Lawes' letter, April 28, relating to money due to the Victualling Office. *[C.O. 138, 16. pp. 219, 220.]*



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July 1.  
Whitehall.

**277.** Mr. Popple to Mr. Rhett. My Lords Comrs. of Trade and Plantations being informed that you have lately receiv'd from Carolina an account of new hostilities committed by the Indians in that Province, desire you would communicate such advices to them *etc.* [C.O. 5, 1293. p. 178.]

July 1.  
Whitehall.

**278.** Mr. Delafaye to the Governor of Jamaica. *Encloses* following. *Continues:* The Lords Justices direct you forthwith to cause restitution to be made of the said storehouse, and to put Mr. Coleman in possession thereof *etc.* *Signed,* Ch. Delafaye. *Annexed,*

278. i. Mr. Burchett to Mr. Delafaye. Admiralty Office. 26th June, 1719. The Council of Trade and Plantations have received no answer from Governor Sir N. Lawes to their letter desiring him to restore Mr. Coleman to possession of the store-house at Kingston, contracted with him to be kept in repair by him for stores of H.M. ships by orders of the Lords Commrs. of the Admiralty, *etc.* Sir N. Lawes has declared that their Lordships have nothing to do with the sd. store-house, it being immediately under his care, as having been built at the expence of the Island *etc.* *Encloses* copy of bill of sale made by Sir W. Beeston to King William, by which it appears that the store-house was designed for the use of H.M. ships of war, and was so applied, until the wresting of the keys from Mr. Coleman by Mr. Heyward, while Chief Officer on the Island, and delivered to Mr. Page, then Secretary thereof. They desire their Exeys. to send directions requiring Sir N. Lawes forthwith to deliver it to Mr. Coleman, who hath been at considerable expence in repairing the same, that so it may as heretofore be made use of for receiving the stores of H.M. ships *etc.* *Signed,* J. Burchett. *Copy.* [C.O. 324, 33. pp. 236-238.]

July 1.  
Whitehall.

**279.** Mr. Popple to Charles Delafaye. *Encloses* extracts from Sir N. Lawes' letters of Jan. 31st and March 24, relating to the defenceless condition of Jamaica, to be laid before the Lords Justices. *Enclosed,*

279. i. Extracts referred to in preceding. [C.O. 137, 46. Nos. 36, 36.i.; and (without enclosures) 138, 16. p. 220.]

July 1.  
Custom Ho.,  
London.

**280.** Mr. Carkesse to Mr. Popple. The Commissioners of Customs desire copys of any laws of Maryland which relate to the fees in any of the Courts of Judicature *etc.* *Signed,* Cha. Carkesse. *Endorsed,* Recd. Read 2nd July, 1719. *Addressed.*  $\frac{1}{2}$  p. [C.O. 5, 717. No. 77].

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July 2.  
Whitehall.

**281.** Mr. Popple to Mr. Carkesse. The Acts desired *in preceding* are very long, and bound up together in a book. They shall be transcribed as soon as possible *etc.* [C.O. 5, 727. p. 490.]

July 2.  
Treary.  
Chambers.

**282.** Mr. Stanhope, Secretary to the Treasury, to the Council of Trade and Plantations. It having been represented to the Lords Commrs. of H.M. Treasury that in relation to the Revenues of New York the whole management of what is raised for the support of H.M. Government there has of late years in a very extraordinary manner by the authority of the Assembly been taken from the Officers of the Crown constituted by H.M. Letters Patents for that purpose and put under a particular administration of their own contrary to the ancient practise and natural dependance which that Colony ought to have upon the Government here. Their Lordships desire a copy of clauses in the Governor's Instructions relating to the Revenue *etc.*, and of any Acts passed there during the last 10 years concerning the levying and disposing of monies *etc.* They likewise desire an account of particulars sent to Governors about making grants of lands there, and under what restrictions rents and covenants such grants were ordered to be made, and whether the grants so made have been conformable to the said Instructions. *Signed*, C. Stanhope. *Endorsed*, Recd. 6th, Read 7th July, 1719. *Addressed*. 1 p. [C.O. 5, 1051. No. 94; and 5, 1124. pp. 111, 112.]

July 2.  
Whitehall.

**283.** H.M. Commission (by the Lords Justices) to Richard Philips to be Captain General and Governor of Placentia and Nova Scotia. *Countersigned*, Ch. Delafaye. [C.O. 5, 189. pp. 410-416.]

July 4.  
Custom Ho.,  
London.

**284.** Mr. Carkesse to Mr. Popple. The laws of Maryland desired 1st July are not now required *etc.* *Signed*, Cha. Carkesse. *Endorsed*, Recd. Read 7th July, 1719. *Addressed*.  $\frac{3}{4}$  p. [C.O. 5, 717. No. 78.]

July 4.  
Whitehall.

**285.** Mr. Delafaye to the Council of Trade and Plantations. *Encloses following. Concludes*: The Lords Justices desire your opinion what is proper to be done therein. *Signed*, Ch. Delafaye. *Endorsed*, Recd. 6th., Read 8th July, 1719.  $\frac{3}{4}$  p. *Enclosed*,

285. i. Deputy Governor Keith to Mr. Secretary Craggs. Pensilvania. May 14th, 1719. The necessary preservation of H.M. Peace in this Colony, puts me under an absolute necessity to trouble you with the inclosed papers; by which you are informed, that Mr. Penn as Heir at Law to his deceased Father, has assumed the powers of Government here, and has sent

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over his Commission to me : But the same not being attended with directions from H.M. or any of the Ministry, I have advised with the Council and the[ir] Representatives of the people in Assembly upon this occasion, and they have desired that the publishing of Mr. Penn's Commn. may be suspended until further orders, by which I have gained some time to intreat that I may know H.M. pleasure in an affair of that consequence here. I could think of no other method to preserve the peace of this Colony, which without the Crown's interposition is like to be very much disturbed about the Proprietary succession, now in dispute to this Dominion. As I have acted herein to the best of my knowledge for H.M. service, which will ever prevail above all other considerations with me, *prays* to be continued in his station *etc.* *Signed,* W. Keith. *Same endorsement. Copy. 1¼ pp.*

285. ii. Minutes of Council and Assembly of Pennsylvania. Philadelphia, 28th April, 1719. The Deputy Governor laid before the Council a new Commission and Instructions he had received from Mr. Penn as Governor in Chief, and directing his accession to the Dominion of the Country to be made known to the people. The Council were of opinion that, in order to secure the peace of the Colony, and to preserve the perfect good understanding which had hitherto most happily subsisted between the Governor and the people, the Assembly should be called as he suggested. Writs were ordered for them to meet 6th May. Speech of the Lt. Governor to the Assembly. 7th May. *Lays before them preceding* and the late Proprietor's will, "whereby the powers of Governmt. over this Province seem to be devised in trust after a peculiar manner, and I am told these differences are not like to be speedily adjusted." Our Indian hunters have been attacked near the head of Potowmack by Southern Indians *etc.* Address of the Assembly to him, (9th May):—The first part of the Proprietor's will seems to vest a trust in the noble Lords therein named, in order to accomplish the treaty of a surrender of this Government to the Crown, which was begun by him. We are concerned at the want of ascertaining the terms which we have been always given to expect would accompany the surrender in favour of the people called Quakers, and claim those rights and favours which have been promised us *etc.* Since the Heir seems not by the will invested with the powers of Government, but the devise thereof made to the Lords being allow'd by his own Council to be good ; and since it does not

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appear that Commission is attended with the necessary requisits directed by Acts of Parliament for qualification of persons concerned in such stations *etc.*, we conceive it will contribute to the peace of this Government and be safe for the Governor that he for the present forbear to publish the said Commission *etc.* until he receives the pleasure of the said Trustees or has the Lord Chancellor's decree for his direction; the rather because we understand, that an amicable suit is depending in Chancery between the executrix and heir at law in order to settle both their claim to this Governmt. *etc.* We hope the Governor hath already taken proper measures towards quieting the minds of the Indians *etc.* *Signed, Jonata. Dickinson, Speaker. Same endorsement. Copy. 4 closely written pp.*

285. iii. Minutes of Council of Pennsylvania, 11th May, 1719. A majority of two to one approved the delay of the publication of the Commission *as proposed in preceding. Copy. 2 pp.*

285. iv. Clause of an Act of Pennsylvania, 1712, *for further securing the administration of the Government.* In case of the death of the Governor in Chief, his deputy may continue to exercise all the powers of Government, till further orders from H.M., or the heirs of the said Proprietary and Governor in Chief, which shall first happen. *Copy. ½ p. [C.O. 5, 1265. Nos. 126, 126.i.-iv.; and (without enclosures) 5, 1293. p. 205.]*

July 7.  
N. Yorke,

286. Governor Hunter to Mr. Popple. *Abstract.* Being to embark in three days you may guess my hurry *etc.* I leave these Provinces in perfect peace and a good disposition in the minds of all the people, *etc.* The Minutes of Council and Assembly I shall bring with me but the Acts pass'd in this last Session can not be ingross'd in that time. *Refers to enclosures. Assurances of sincere friendship etc. Set out, N.Y. Col. Docs. V. 529. Signed, Ro. Hunter. Endorsed, Reed. 27th Aug., 1719. Read 16th Aug., 1720. Holograph. 2 pp. Enclosed,*

286. i. Governor Hunter's Speech to the Assembly of New York, 2nd July, 1719. *Abstract.* Hopes to return, if it is H.M. pleasure, if that proves otherwise, will always be watchfull and industrious to promote the intrest and welfare of this country "of which I think I am under the strongest obligations to account myself a countreyman." *Refers to the quiet and flourishing state of the people. The very name of*

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party or faction seems forgotten *etc.* *Signed*, Ro. Hunter. *Same endorsement. Copy.* 2 pp.

286. ii. Address of Assembly of New York to Governor Hunter. *Reply to preceding.* When we reflect upon your just, mild, and tender administration it heightens the concerne we have for your departure, and makes our grief such, as words cannot truly expresse. You have govern'd well, and wisely, like a prudent magistrate, like an affectionate parent, *etc.* We have seen many Governours and may see more; none were ever so justly fixt in the affections of the governed *etc.* *Signed*, Rt. Livingston, Speaker, and 19 others. *Same endorsement. Copy.* 1 p. [C.O. 5, 1052. ff. 52-56.]

July 7. **287.** Mr. Popple to Charles Stanhope. In reply to 2nd  
Whitehall. July. Encloses copies of Governor's Instructions. *Concludes* : The Acts of New York are now printing at the King's Printing house, and assoon as they are finished, I shall send you a compleatt sett *etc.* [C.O. 5, 1124. pp. 112, 113; and (dated July 8th) 5, 1079. No. 110.]

July 7. **288.** Josiah Willard, Secretary of the Massachusetts Bay,  
Boston. to [? Mr. Popple]. *Encloses* Journal of Assembly, 1718, and Minutes of Council for half a year beginning Sept., 1718, and five Acts of Assembly passed Oct. 1718 (there being no Acts passed at their meeting in March) *etc.* I am ashamed that the copies are so bad; but the Office is so scandalously poor, that I can n't put myself to the charge of a better clark without starving my self *etc.* *Signed*, Josiah Willard. *Endorsed*, Recd. 21st Sept. 1719, Read 8th June, 1721. 1 p. [C.O. 5, 868. ff. 51, 52.]

July 7. **289.** Mr. Popple to Mr. West. Encloses some queries  
Whitehall. relating to monies in the hands of the Receivers in Jamaica. [C.O. 138, 16. p. 224.]

July 7. **290.** *Same to Same.* Presses for reply to 25th June.  
Whitehall. [C.O. 138, 16. p. 225.]

July 8. **291.** Mr. West to the Council of Trade and Plantations.  
Reply to No. 289, with copy of queries. *Signed*, Richd. West. *Endorsed*, Recd. 8th, Read 15th July, 1719. 6 $\frac{3}{4}$  pp. [C.O. 137, 13. No. 33.]

July 8. **292.** Mr. Popple to Charles Stanhope. Encloses extract  
Whitehall. of Sir N. Lawes' letter of 1st Sept. 1718, relating to H.M. proportion of seizures at Jamaica, for the directions of the Lords of the Treasury thereupon. [C.O. 138, 16. p. 226.]

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July 8.

**293.** Mr. West to the Council of Trade and Plantations. *Reply to June 25th.* As to the Act of Jamaica *to oblige the inhabitants to provide themselves with white people etc.*, I have no objection to its generall purview. But the clause enacting that all vessells trading *in or about* the Island which shall have blacks on board above  $\frac{1}{4}$ th part of the hands imploy'd in the management of such vessells shall be forfeited *etc.* seems too general, and shou'd have been restrained to such vessells as are actually own'd by the inhabitants of the Island, *etc.* There is also a clause by which the estates of all persons not resident in the Island are higher taxt than those of persons who dwell upon the spott. I submit it to your Lordships how farr this may be prejudiciall to persons residing in Great Brittain and inconsistent with that equality which ought to be observ'd in the levying of publick taxes. The Generall Assembly reflecting upon the reasons for which their other acts were repeal'd have indeed so farr comply'd with H.M. Instructions as to make the moneys to be collected by virtue of this Act payable into the hands of the person who is Receiver Generall of the Island but then with a view doubtlesse to continue their claime of nominating Commissioners for the receipt of publick money they do not make the money payable to him in the capacity of Receiver Generall, but appoint the person who is employ'd by the King as his Receiver Generall to be their Commissioner for the receipt of this money and consequently not content with that obligation which every Receiver Generall is ex-officio under, faithfully to account for the publick money they enact that he shall give an additionall security for his fidelity by entring into bond and taking a fresh oath for the faithfull discharge of a distinct office which they judge proper to bestow upon him. The Assembly anticipating any resolutions which may be thought proper to be taken upon those questions which your Lordships have been pleas'd to send to me, concerning the moneys collected by virtue of the repeal'd Acts, have inserted into this Act, a clause to direct the payments of the moneys remaining in the hands of the former Commissioners, unto the present Commissioner the Receiver Generall who is to account for that money in the same manner as he is for what he shall receive in consequence of this Act. I have also perused an Act *for the encouragement of voluntary parties to suppress rebellious and runaway negro's*, and (observing only that the parish of Wesmorland is excepted, I know not for what reason, from any benefitts to be deriv'd from that Act) I have no objection *etc.* Signed, Richd. West. Endorsed, Recd. 8th, Read 15th July, 1719. 6 pp. [C.O. 137, 13. No. 34 ; and 138, 16. pp. 237-240.]

July 9.  
Boston.

**294.** Mr. Bridger to Mr. Popple. *Refers to his suggestions for the settlement of Annapolis Royal, and the raising of Naval*

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Stores there, and asks to be employed in that service. *Continues*: Mr. Armstrong who Mr. Burinston appointed his deputy has no instructions to act by therefore I shall not suffer him to act in that station *etc.* His putting in such a person after a year, and neglecting to comply with his commission, I hope will open the way for my being restored *etc.* *Signed*, J. Bridger. *Endorsed*, Reed. 27th Aug., Read 10th Sept. 1719. 1 p. [C.O. 5, 867. No. 45.]

July 9.  
Whitehall.

**295.** Council of Trade and Plantations to Governor Sir N. Lawes. *Acknowledge* letters 3rd May, 1718—28th April, 1719. *Continue*: We are sorry you have not met with a disposition in the Assembly suitable to the assurances you were instructed to give them of the King's tender care of their int'rests, and of a ready concurrence in H.M. to do everything that could offer for the advantage and security of their own country. We shall expect from you (according to your promise) constant accounts of the number of inhabitants both white and black, the number of the Militia, and accounts of births, christ'nings and burials; with the Naval Officer's lists of ships, enter'd and clear'd there, according to the scheme in your Instructions, relating to the Acts of Trade, and half yearly accounts of the Revenue, We must also desire you will be regular in sending us the Minutes of Govr. and Council, of Council in Assembly, and of Assembly, what we have already receiv'd going no further than 28th Nov. last for you must be sensible, that without such publick accots. it will be impossible for us to make any judgmt. of ye state of the Island, or of ye publick administration there. Upon what you write concerning the Act for the effectual discovery of all persons that are disaffected to H.M. and to prevent all such persons holding any office *etc.*, we laid the same before the King for his disallowance and H.M. was pleas'd to repeal the same; inclos'd you have a copy of the Order of Council thereupon. H.M. has likewise been pleas'd to repeal an Act for ascertaining the number of ports *etc.*; as you will see by ye inclos'd copy of the Order in Council and for your further information we send you ye reasons we offer'd for ye repeal of ye sd. Act. We have laid before ye Lords Justices, what you write about ye fortifications and the weak state of the Island. We also sent to the Lords of the Admiralty what you write concerning the pirates and H.M. ships of war, and their Lordps. have inform'd us *etc.* as No. 193. We are concern'd to find that the Assembly you conven'd did dispatch so little publick business, and that they did, in breach of ye King's Instructions, adhere to their pretended right of adjourning themselves longer than *de die in diem*; We hope, the next Assembly will meet with a better disposition, and shew more zeal and unanimity for the dispatch of what H.M. hath so earnestly recommended to them for ye security of the Island,

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which becomes ye more necessary by the rupture with Spain : You cannot exert yourself too much on this occasion. We cou'd wish, the Assembly had shewn a greater regard to the King's recommendation in favour of Lord A. Hamilton. We wou'd still hope that you 'ill find means to have it comply'd with. We sent to the Commissioners of the Treasury what you write in relation to the methods of securing H.M. share of seizures. We observe what you write, 1st Sept., and think you did right in sending away Don Juan del Valle upon the suspicion the merchants had of his giving intelligence to the enemy ; but we shou'd be glad to be particularly inform'd how the matter stands with relation to the sureties for the ships that made the depredations upon the Spaniards. You certainly must have misapprehended us, if you imagin'd that we gave you assurances of a Commission to try accessories to pirates, since that is what can't be done but by the authority of a new Act of Parliament, for you 'ill see yt. by ye 46th Article of your Instructions, you are required to conform yourself to the Act of Parliament for the trying of pirates in America. which directs that accessories in cases of piracy beyond the seas, shall be try'd in England, according to the Statute of 28th of King Henry 8th. We observe what you write 31st Jan., in relation to the Assemblies passing a perpetual Revenue Bill with clauses to inforce in Jamaica some of ye Statute-laws of England, and give the people there, the privilege of English born subjects, to which we can make no answer not knowing what laws of priviledges you mean. We cannot yet give you any answer to what you write concerning the application of publick mony remaining in ye hands of Commrs. Upon the account we had of the death of Mr. Harrison, one of the Council, we recommended Mr. Pusey, who had been very well recommended, to be appointed a Councillor in his stead. When you transmit to us any Acts of Assembly, we must remind you of sending the reasons for passing such Acts, that we may be the better able to judge of the advantage and prejudice such Acts may be to ye Island. *Refer to letter of 9th Jan. 1711*, relating to the King's Store-house. Ye Lords of the Admiralty, who have this matter much at heart, having now desir'd to know what answer we have receiv'd from you on yt. subject, we were sorry to acquaint them that you had not sent us any. We desire you wou'd take notice that the Act about Trade to Hispaniola wch. was pass'd by Mr. Heywood, has now lay'd by some time as probational, to give ye Assembly an opportunity of passing another to the same effect, that shall not restrain H.M. Prerogative, or be liable to ye objections to wch. this Act is liable. You will do well therefore to lay this matter before them at their first meeting, yt. no further time may be lost in it ; or we shall be obliged to represent to H.M. that the said Act ought to be repeal'd. We send you here inclos'd



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some queries, to which we desire your answer as particular as may be. P.S. We sent yt. paragraph of your letter, 1st Sept., relating to H.M. proportion of seizures at Jamaica, to ye Commssrs. of the Customs, for their thoughts thereupon, who have return'd us an extract of a presentment they had made some time before, to the Lords of ye Treasury upon that subject, whereupon we have writ to their Lordships. for their directions thereupon. *Annexed*,

295. i. Queries to Sir Nic. Lawes. (i) We desire you to inform us, What number of inhabitants there is at present in Jamaica, under your Governmt., distinguishing ye number of freemen, women and children, and that of servants white and black. To what degree are those numbers increased or decreased since the last estimate you understand to have been of them. Whether any inhabitants have removed of late, and what way you conceive most proper to prevent ye removal of others into any of the neighbouring Colonies? What trade is there in Jamaica, either by exportation or importation, with any other place besides this Kingdom, and from whence is the Island furnish'd with supplies (particularly of any manufactures) that they were wont to have from Great Britain? How and in what particulars is the trade of Jamaica encreased or decay'd of late years, and what hath been the reason of such increase or decay? What are the present methods used to prevent illegal trade? and what further methods do you think advisable for that purpose? What numbers of ships or other vessels are there belonging to Jamaica where built and what number of seafaring men? What manufactures are settled in that Island of any sort whatsoever? What is reckoned to be the annual produce one year with another of the several commodities in ye sd. Island? What trade has Jamaica with any foreign Plantations? how is that trade carried on? What commodities do they send to, or receive from foreign Plantations? We further desire that you wou'd send us the best accounts you can possibly get concerning the foreign Plantatns. in your neighbourhood; at what times, and by what means they were first possessed? What is the number of ye inhabitants and of ye Militia, or what other Military force is in each of those Plantatns.? what are ye several commodities produced in them? and how much is the annual produce one year with another of such commodities? what trade is carried on to and from these Plantations? What form of Governmt. is established in them, and what methods

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are used to encourage and improve ye products and the trade thereof. [C.O. 138, 16. pp. 227-236.]

July 9.  
Whitehall.

**296.** Order of Lords Justices in Council. Repealing Act of New York *for reviving an Act for the easier partition of lands in joint tenancy etc.* Signed, Robert Hales. Endorsed, Reed. 10th, Read 16th Sept., 1719. 2 pp. Set out, N.Y. Col. Docs. V. 529. [C.O. 5, 1051. No. 97; and 5, 1124. pp. 116-118.]

July 9.  
Whitehall.

**297.** Council of Trade and Plantations to the Lords Justices. Having lately received several laws passed in Pensilvania, 1712-1715, we humbly represent that several ought to be repealed vizt., (i) An Act for *amending divers laws* passed 1712-1713. This refers to two former laws one *for establishing Courts of Judicature*, the other *against robbing and stealing*, the former of which was repealed by her late Majesty's Order in Council in 1714, the latter in May, 1718, by an Act of the Assembly *for the advancement of Justice etc.* (v. 26th May). If this Act should be confirmed, it would revive the other two, which have been repealed. (ii) An Act of *privileges to a free-man*, passed 1714-15. Two former Acts with the same title and contents were repealed, because they interfered with the Act of 7 and 8 Wm. III *for preventing frauds etc. in the Plantation trade*; and tho' in this present Act, there is a saving to the Admiralty Courts, yet we are apprehensive it may still interfere with the said Act as well as other Acts of Trade; and we cannot well see, what occasion there is for this Act, since by the laws already in being Freemen are entituled, to all the privileges intended by this Act. (iii) An Act *for empowering Religious Societies to buy, hold and enjoy lands, tenements etc.* There is a clause in this Act, which confirms all sales, gifts or grants already made to those Societies, which retrospect we are of opinion may probably be attended with ill consequences to purchasers, creditors and other persons. (iv.) An Act *for establishing the Courts of Quarter Sessions*, enacts that the Justices of Peace may minister common justice and exercise hear, determine and execute all things within the limits of their respective commissions and authorities, *as near as conveniently may be to the Laws of Great Britain*, which words seem to give too great a latitude to the Justices, who are to judge of that convenience, and may upon some occasions be made use of to serve an ill purpose. (v) An Act *for establishing the several Courts of Common Pleas* is liable to the same objection *etc.* (vi) An Act *for erecting a Supreme or Provincial Court* is liable to the same objection, for which a former Act *for establishing Courts of Judicature* was repealed in 1710 upon a report from Sir Robt. Raymond *quoted.* (vii) An Act *for corroborating the circular line between the Counties of Chester and Newcastle.* This Act contains a survey or description of the lands said to

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be granted to Mr. Penn by the Charter of King Charles 2nd. But how far this survey may be just, we cannot take upon us to determine ; and it may possibly take in the whole or some part of ye 3 lower Counties belonging to H.M. to which Mr. Penn had no right or title, tho' they have for some time been under his Government. (viii) An Act *for the ease of such as conscientiously scruple to take the solemn affirmation formerly allowed in Great Britain.* The affirmation to be allowed by this Act is materially different from that allowed in this Kingdom (the name of Almighty God being not mentioned therein) a former Act with the same title was repealed for the same reason, 1714. (ix) By an Act *for the better ascertaining the practise of the Courts of Judicature* it is enacted, that the Act of 8th and 9th William III *for preventing frivolous and vexatious suits* and an Act of 4th and 5th of the late Queen *for amendmt. of the Law and the better advancement of Justice,* shall be put in execution in Pennsylvania as far as circumstances admit ; we cannot apprehend what may be meant thereby, but it seems improper to say an Act shall be observed as far as circumstances will admit. (x) An Act *for laying a duty on wine etc.* not only allows the importation of wines in general directly from the place of their growth, which is contrary to the Act of Trade 15 Car. II, but lays a double duty on such wines as may be imported from any other place, which can be only from Great Britain. (xi) An Act *for laying a duty on negroes imported* gives a power to the officers to break open houses upon suspicion of negroes being there, without any limitation, whereby they are authorized to enter by night as well as by day, which is very seldom allowed of by the Laws of Great Britain in offences of an inferior nature. We have likewise objections to other Acts, which we shall not propose to be repealed, but shall offer our observations upon them and submit the same to your Excellencies determinations. (i) The Act *directing appeals to Great Britain,* directs that no judgment, sentence or decree of any of ye Supreme Courts, or Courts of Admiralty shall be so final, but that the party aggrieved may appeal to H.M. etc. Our only objection to this Act is, that there is no sum limited for which an appeal may be brought, as is provided by the Instructions to all the Governors of Plantations under H.M. immediate Governmt. (ii) An Act *for regulating and establishing fees etc.* We should have no objection to this Act, if it did not establish the fees of officers of the Supreme or Provincial Court of law and equity, as well as fees of other officers ; and therefore if your Excellencies should be of opinion to repeal the Act abovementioned for establishing such a Supreme or Provincial Court, it would look odd to have fees established for a great number of officers not in being. There are several other laws against which we have no objections ; and in case your Excellencies do not see cause within

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six months from the time of transmitting them to H.M. Privy Council, to repeal any of the said laws, they will remain in full force, pursuant to the Charter granted to the Proprietor of Pensilvania, the titles of which laws are as follows vizt. : (i) *An Act for limitation of actions*, (ii) *for establishing orphans Courts* (1712, 1713); (iii) *for the better recovery of fines etc.* (iv) *for the assigning of bonds etc.* (v) *An affirmation Act for such, who for conscience sake cannot take an oath.* (vi) *for acknowledging and recording of deeds.* (vii) *for better determining of debts and demands under 40, and for laying aside the two weeks Courts in Philadelphia.* (viii) *for raising a supply of 1d. pr. li. and 4sh. a head, and for reviving other Acts etc.* Passed in 1714, 1715.

Upon this occasion we humbly take leave to represent to your Excellencies that by the said Charter, the Proprietor is impowered with advice of the Freemen of Pensilvania or their Delegates in General Assembly, to enact laws for the good of the said Province; providing such laws be not repugnant but as far as conveniently may be agreeable to ye Laws of this Kingdom; and that a transcript of such laws be within five years after the making thereof, delivered to H.M. Privy Council, and if any of the said laws within the space of six months after they shall be so delivered as aforesaid be declared by H.M. to be void, the said laws shall thenceforth become null and void accordingly, otherwise to remain in full force. This we think to be unreasonable that the said Proprietor of Pensylvania should have five years time to lay his laws before H.M., and H.M. but six months to consider thereof; For it may so happen, that so great a number of laws may at one time be transmitted as that it will be difficult if not impossible, considering the other business that may intervene duly to examine the same. There is another ill consequence of that clause, which is, that temporary laws, prejudicial to the trade of H.M. other subjects, may be enacted there, and have their full effect before the Proprietor is obliged to lay the same before H.M., or at least before H.M. disallowance of the same can be signify'd to that Government, and they may re-enact the same laws again and by keeping them till near the time of expiration, they may in effect, evade H.M. right of repealing such laws as may be prejudicial to H.M. intrest or ye trade or property of his subjects, which is a practise they are frequently guilty of in the very worst degree by re-enacting laws, which have been repealed by the Crown, as may be observed with respect to several of the laws which we now lay before your Excellencies.

These are some of the ill effects of a Proprietary Government, and as we are of opinion the Plantations will never be upon a right foot till the Dominion of all the Proprietary Colonies shall be resumed to the Crown, so we cannot help proposing to your Excellencies that all fair opportunities should be laid hold on for that purpose. *Annexed,*

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297. i. List of Acts passed in Pennsylvania that are expired. Passed in 1712, 1713. (i) An Act for *reviving, explaining etc. several laws etc.* (ii) An Act for *laying a duty on several liquors etc.* Passed in 1714, 1715. (iii) An Act for *continuing a friendly correspondence with the Indians.* [C.O. 5, 1293. pp. 206-216.]

July 9. **298.** Amended form of debenture for those of the sufferers at Nevis and St. Kitts, who suffered upon one island and settled upon the other. *Endorsed*, Recd. 9th July, 1719. 3 pp. [C.O. 152, 12. No. 144.]

July 9. **299.** Order of Lords Justices in Council. Approving Representation of June 18th, and appointing John Cochran, William Irish, and Richard Cook to the Council of Montserrat. *Signed*, Robert Hales. *Endorsed*, Recd. 10th., Read 16th Sept., 1719. 1 p. [C.O. 152, 12. No. 148.]

[?July 14.] **300.** Draught of Instructions for Governor Philipps, with notes and corrections by [? *Mr. Secretary Craggs*]. 7 $\frac{3}{4}$  pp. [C.O. 217, 31. No. 21].

July 14. **301.** H.M. Instructions by the (Lords Justices) to Governor Philipps, with Instructions relating to the Acts of Trade and Navigation. [C.O. 5, 189. pp. 417-461].

July 15. **302.** Mr. Popple to Mr. Delafaye. Encloses extracts of letters relating to new attempts of Indians and Spaniards against Carolina, dated in April, to be laid before the Lords Justices. [C.O. 5, 1293. p. 217].

July 15. **303.** Invoice of goods consigned to the Governor of New York, being part of H.M. present designed for the Five Nations of Indians. *Endorsed*, Recd. 15th July, Read 4th Aug., 1719. 1 p. [C.O. 5, 1051. No. 95].

July 15. **304.** Mr. Popple to Mr. West. *Desires to know* whether the debentures to be issued for the relief of the sufferers at Nevis and St. Christophers that have duly resettled on either of those islands, pursuant to an Act pass'd the last Session of Parliament, ought to be on stamp(t) paper. [C.O. 153, 13. p. 421].

July 16. **305.** Mr. West to Mr. Popple. *Reply to preceding.* I do not conceive it to be necessary *etc.* *Signed*, Richd. West. *Endorsed*, Recd. 17th, Read 21st July, 1719. 1 p. [C.O. 152, 12. No. 145].

July 16. **306.** Mr. Secretary Craggs to Governor Shute. *Encloses* Order of Lords Justices in Council, 26th May, repealing Act

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of the Massachusetts Bay *granting unto H.M. several rates and dutys of imposts and tonnage of shipping*, 1718. *Continues*: Their Excellencies in Council order me to signifie to you, that considering this Act is repugnant to the Laws of this Kingdom (by which the Plantations are and ought to be bound) and for as much as it seems design'd to be an annual one, you are, in case it shall have been re-enacted this year before you receive these orders, forthwith upon receipt hereof, to declare their Excellency's disapprobation of the said Act, and not to permit the same or any part of it to be put in execution. And to prevent so pernicious a practice for the future, their Excellencies do also direct you to represent to the Council and Assembly of that Province, that, as the power of making laws, which was granted to them by their Charter from their late Majesties King William and Queen Mary is restrain'd to the condition, that such laws shall not be repugnant to the laws of this Kingdom, they will do well to consider, how far the breaking this condition, and the laying any discouragements on the shipping and manufactures of this Kingdome may endanger their Charter. And I am at the same time to put you in mind of the obligations you lye under by the oath you took before your entrance on the Government (in pursuance of a clause in the Act *for preventing frauds etc. in the Plantation Trade*) to put the laws of Trade and Navigation in due execution, as well as by H.M. Instructions to you of the 27th Sept., 1717, not to pass any Act, which may affect the trade or shipping of this Kingdom, without a clause therein to be inserted, that the said Act shall not be in force, untill the same shall be approved and confirmed by H.M. his heirs and successors. And in the last place, I am to informe you, that their Excellencies are extreemly dissatisfied with your conduct in consenting to the passing an Act so contrary to your Instructions, and to the laws and interest of England. *Signed, J. Craggs. Annexed,*

306. i. Order of Lords Justices in Council, 26th May, 1719, *referred to in preceding*. [C.O. 324, 33. pp. 239-242].

July 16.  
Newhampsh.

**307.** Robert Armstrong to the Council of Trade and Plantations. *Returns thanks for letter etc. Continues*: The great disapointment officers in ye Plantations meets with from home, by not answering their letters, in order to obtain suitable measures to prevent abuses, is a discouragement and disables them from doing their duty, *etc.* Mr. Burniston has sent me his deputation for Deputy Surveyor of H.M. Woods, but not sending over his Commission, wch. ought to be published in ye severall Governments before I can be qualifi'd to act, ye power is at present wholly invested in Mr. Bridger *etc.* It was alwayes the oppinion of the Lords of Trade and Treasury at home, that the Collector of Newhampsh. was the most proper

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person to take care of H.M. woods, *etc.* Signed, Ro<sup>t</sup>. Armstrong. *Endorsed*, Reed. 10th, Read 23rd Sept., 1719. *Addressed*. 1 p. *Enclosed*,

307. i. (a) William Blathwayt, Auditor General of the Plantations, to [? *Lord Godolphin*] Whitehall, 11th Jan., 1709(10), Recommends the appointment of Robert Armstrong as deputy to take care of the woods in New Hampshire in Mr. Bridger's absence *etc.* (b) Lord Godolphin to John Bridger. Whitehall, 20th Feb., 1709(10). Recommends Armstrong as preceding, "if you have noe objection," *etc.* (v. 16th Sept.). Signed, Godolphin. 2 pp. [C.O. 5, 867. Nos. 52, 52. i.]

July 16.  
Whitehall.

**308.** Council of Trade and Plantations to Governor Shute. Enclose representation and Orders in Council for repeal of Acts of New Hampshire, 1717, *for the relief of ideots, providing for posthumous children, and against high treason.* As to the other Acts passed in the same year, we have had them under our consideration, as likewise some passed in 1716. Four, we find, are now expired, and judging the other 24 not to require the being immediately laid before H.M. for his confirmation or disallowance, we shall let them lie by as probationary for the present, and in the meantime shall expect your observations as to the good effect or inconveniences in the execution of any of them: But we must particularly take notice concerning the Act, 1714, *directing the proceedings against forceable entry etc.*, that 14 men thereby appointed to be a jury, is not agreeable to the laws of England, which constitute 12 men to be a jury, and that the number of 18 freeholders to be returned by the Sherif, pursuant to this Act, and out of which such juries are to be taken, is too small; which you will therefore do well to get rectified by another Act for the like purposes. We have likewise received 38 Acts passed at New Hampshire in 1718, which we shall consider off. *Annexed*,

308. i. List of 24 Acts, New Hampshire, 1714, lying by probationary. [C.O. 5, 915. pp. 290-294].

July 16.

**309.** Lords Proprietors of Carolina to Governor Johnson. We do once more strictly enjoin you to transmit or cause to be transmitted to us all such acts of Assembly under the publick seal, as have been confirm'd by us or any of our predecessors pursuant to the tenor of the 4th Article in your Instructions; We desire you wou'd send them over by the first opportunity *etc.* You desire in your letter to us that Mr. Gibbons may have some satisfaction made to him for his house, which the Govr. and Council have sat in for some time; We think it proper to inform you, as we have formerly done, that when the Assembly

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shall be legally settled, we shall be very willing to comply with them in any Acts for the better support of the Government and the incident charges belonging thereunto. Mr. Yonge has requested of us that proper officers may be settled at the Port of Beaufort, *etc.* We have not as yet sufficiently consider'd of that matter, and will take further time to give you our answer. We have order'd that a copy of the complaints against our Chief Justice Trott by Mr. Allen, Whitaker and others practitioners of the law be forthwith made and sent to Mr. Trott, that he may have an opportunity to justify himself as far as he is able. *Signed*, Carteret, Palatin; M. Ashley, J. Colleton, J. Danson. [*C.O.* 5, 290. *pp.* 144-146].

July 16.  
Whitehall.

**310.** Mr. Delafaye, Secretary to the Lords Justices, to the Council of Trade and Plantations. The Lords Justices having appointed Martin Bladen, Esqr. to go to the Court of France to settle such matters relating to the respective limits of the Plantations of the two Crowns in America, and to the different pretensions of the two Nations on each other in those parts, as by the late Treatys of Peace and Commerce were left undecided; their Exeys. have directed that your Lordships prepare the forms of such powers and instructions as you shall think necessary for him in this behalf. *Signed*, Ch. Delafaye. *Endorsed*, Recd. 17th, Read 21st July, 1719. 1*p.* [*C.O.* 323, 7. No. 158].

July 17.  
Boston.

**311.** Mr. Bridger to Mr. Popple. Mr. Cooke now he is a Representative labours with all his envie, subtilty, and intrest to delude his fellow members, and by vile artifices has brought a great number over to his oppinion, having lay'd a very longleter before the House of Representatives and a memorial directed to the Speker, wherein he wholly insists against the intrest of the Crown *etc.*, and denies all claime of the King in the woods of the Province of Main. *Mr. Cooke's arguments, as June 29, No. 1, answered by Bridger as June 29. Continues:* The King's right was never ealled in question till Mr. Cooke (that Incendiary) with unparlleld insolence, h[ad] endeavourd, to poyson the minds of his countreymen, with his republican notions, in order to assert the independency of New England, and claim greater privileges than ever were designed for it *etc.* I find the Governor never delivered my 2nd Memorial (*below*) to any of the Council nor layed it before them nor the Assembly *etc.*, otherwise, Mr. Cooke had been long since silenced *etc.* *Signed*, J. Bridger. *Endorsed*, Recd. 28th Aug., Read 10th Sept., 1719. *Addressed.* 1 *p.* *Enclosed*,

**311. i.** Memorial of John Bridger to Governor Shute. *Reply to Mr. Cooke as above etc.* 5th July, 1718. 1 *p.* [*C.O.* 5, 867. Nos. 49, 49 i.].



July 17.  
Province of  
New Hamp-  
shire in New  
England.

**312.** Lt. Governor Wentworth to the Council of Trade and Plantations. I have wrote to your Lordships three times since the receipt of my Commisn., as yet I have not been favour'd with your Lordships commands' weh. I shall at all times gladly receive and doe my utmost endeavours to promote anything that may have a tendency to advance ye intrest of Great Brittain. The late Act that was passing for a generall prohibition of the manefacturing of iron in ye Plantations, put all thinking men at a stand what to doe or say. Indeed had ye Act pased, it would have so cramp't the Plantations and N. England in particular, that it would have been morrally imposible for us to subsist, for we have many things that are wrote in iron weh. must be made by moulds to fitt ye place they are design'd for, and should we be obleiged to send these moulds for Great Brittain the freight and transportation would be more then the first cost, and affter all it might not fitt ye purpose it was designed for and further it is very evident yt had or should such an Act pass, we cannot build a ship in all ye Plantations. I beg yr. Lordships patience to instance in one particular, weh. is in ruder irons for a ship yt. is built in ye Plantations. I say that all the carpenters and smiths in Great Brittain cannot make a sett of ruder irons to fitt a ship thats built in ye Plantations *etc.* *Argues that thus the export of woollen manufactures would be much lessened,* and "that it cannot be for ye interest of Great Brittain to cramp a Plantation that is soe capable of serving their mother Great Brittain as N. England is" *etc.* Our labour is so deare that we cannot make that progress as otherwise we might. Last May Session we passed two Acts for ye incouragement of Navall stores and particularly hemp. I spake to Mr. Bridger, our Surveyor Generall of H. M. woods to pray your Lordships favour in giving this Province of New Hampsheire 100 bushells of good new hemp seed to be distributed among such of ye inhabitance as was most likely to propagate it *etc.* H. M. woods will suffer if a Deputy is employed instead of the Surveyor General *etc.* *Signed,* Jno. Wentworth. *Endorsed,* Reed. 9th Sept., 1719, Read 5th July, 1722. 4 pp. [C.O. 5, 868. ff. 232-233 v., 236 v.].

July 18.  
Province of  
New Hamp-  
shire in New  
England.

**313.** Lt. Governor Wentworth to the Council of Trade and Plantations. Yesterday came to my hands a letter dated April 12th with a complaint against mee weh. at first did a litle surprize me, but when I considered the matter, I was very well asured it was Mr. Vaughan who I succeeded in the Lieutency of this Province *etc.* What my friend writes me is that there is an information against me that I have and do still carry on a trade with Capt. Macpheadnis by sending large ships to Cadiz with Navill stores and provisions *etc.* *Refers* their Lordships to Mr. Dummer for affidavits and certificates *and declares* that he was never concerned with Capt. Macpheadnis

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except in the case of one sloop of 70 tons which cleared for Cadiz with 200 spruce poles and 35 small standards on Oct. 5th. Why the informer should mention provisions is very wonderfull, everybody here knows they cannot be carried from hence to Spaine but with more than 100 p.e. loss *etc.* My carrecture is well known on the Exchange of London *etc.* *Protests* his innocence of any breach of the Acts of Trade *etc.* In August last an information came to me that Capt. Macphheadnis had taken on board some masts bigger than what was usually shipt. I immediately ordered that they should be taken out again, and summoned Mr. Bridger from Boston and they were sold and shipped to London *etc.* *Signed*, Jno. Wentworth. *Endorsed*, Reed. 9th Sept., 1719, Read 5th July, 1722. 2½ pp. [C.O. 5, 868. ff. 234-235 v.].

July 18.  
Whitehall.

**314.** Mr. Secretary Craggs to Governor Rogers. *Acknowledges* letters of 2nd Feb., 3rd March and 27th May, with enclosures. *Continues*: All which have been laid before the Lords Justices, who very well approved of all your proceedings. Their Excellency's directed the several paragraphs of your letters, in which you make mention of your Colonys being neglected by the men of war, to be sent to the Lords of the Admiralty, and that the Governor of Jamaica should be writ to, in relation to what past betwixt a privateer of that Island and one belonging to your Government. George Bounsivell the Pyrate whom you reprieved is represented to H. M. as an object of mercy. I wish you success and shall be glad if I can any way contribute to it *etc.* *Signed*, J. Craggs. [C.O. 324, 33. p. 242].

July 18.  
Whitehall.

**315.** Mr. Delafaye to the Governor of Jamaica. *Encloses following.* *Concludes*: The Lords Justices direct you to enquire into this matter, and if you find it is as it is represented, to do all in your power to have it redres't, and to prevent such proceedings for the future. *Signed*, Ch. Delafaye. *Annexed*,

315. i. Deposition of Capt. South, Commander of the private sloop of war *Endeavour* of New Providence. v. 27th May, 1719. *Copy*. [C.O. 324, 33. pp. 243, 244].

July 20.  
Antigua.

**316.** Governor Hamilton to the Council of Trade and Plantations. About three weeks ago I received your Lordships letter of 24th April with a copy of the memorial by the Danish Minister and your letter to Mr. Secretary Craggs *etc.* I am extreemly thankfull, for if application should be made to me by the Governour of St. Thomas, for anything of that nature, I shall be the better able to give him an answer. I take notice of the names of the gentlemen whom H. M. has been pleased to add to the Council of St. Christophers as also of the restoration

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of Colo. Thomas Morris to his place in the Council of Antigua, to which I shall give all imaginable obedience, and tho I thought the conduct and behaviour of Colo. Morris rendered him very unworthy of the honor that H. M. has conferred on him, yet I very chearfully submit, for I assure your Lordships I have no resentment to any person whatever, neither have I any by ends to manage; Those that behave themselves best for the honor of H. M. and the service of their country will always be best esteemed by me *etc.* I very readily submit to your Lordships' reasons for not recommending Colo. Valentine Morris *etc.* (v. 24th April). But if your Lordships will be pleased to look on the Instructions that were given to Sir William Mathews, you will find that his brother Colo. Charles Mathews who was but a private gentleman was appointed to be of the Council in each of these Islands; so that distinction was not confined to the Lieutenant General of the Islands; However I don't presume to contest the matter with your Lordships, or to say anything to reinforce my former recommendation. I only mention this to convince your Lordships that my transactions in that particular was not without president. It is with some concern that I observe the paragraph of your Lordships' letter, which says that the Minutes of the Council and Assembly of Antigua, mentioned in mine of the 4th of Nov., was not brought to your office till some time after you received my letter. I assure your Lordships their delay was not owing to my intentions; However to avoid the like for the future, I shall take care to address them directly to yourselves, tho with submission I always apprehended it was proper for the Agent to have waited on your Lordships with all things of that kind as well as the Acts but since your Lordships think otherwise I shall conform myself accordingly. The same paragraph of your Lordships letter lays me under inexpressible concern in regard you thereby enjoin me to perform certain Instructions which were never done by former Governours nor indeed is it almost possible for me to comply therewith, many parts of what is enjoined by my said Instructions being to be perform'd by other persons, whom, it will be pretty hard for me to compell to comply therewith in case they do not think proper to obey what I direct in that matter; And first I must observe to your Lordships that I do not see how I can oblige the Secretary to furnish me with a Collection of the Laws, for as H. M. has been pleased to grant Mr. Knights the office for life, it is to be doubted whether or not I can suspend his Deputy if he refused to draw the same which it is to be feared he will in regard I doubt the country will scarce agree to raise a tax to pay for the same; and for him to do so great a piece of work without any consideration would likewise be hard; but that nothing may be omitted on my part to obey your Lordships commands I have drawn orders to the Deputy Secretary of Mountserratt and this

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Island for making out the said Collection, and supplying me with cōpys of the Council Minutes and the other papers required by your Lordships, but least they should refuse to comply therewith I must request your Lordships to let me know by the first conveyance what measures I must take with the said officers *etc.* I have also caused orders to be drawn to the proper persons for performing every other particular part of my Instructions now recommended by your Lordships said letter, and as soon as I can get the several papers and matters returned they shall be transmitted to your Lordships. But I must still fear that I must find it difficult to get a map of the Islands drawn in regard it is a work that requires a pretty deal of pains, and I doubt the Surveyors of the several Islands would rather quit their places than do it without being paid for the same, which will be a dilemma that I shall always be under, for no one will accept of a post to have so much trouble without profit, however I have issued orders for this particular likewise and when I have a return your Lordships shall have the same. I likewise observe that your Lordships have reported against the Act for laying an additional duty on wines *etc.*, as also what you say about the Powder Act, which laws are really very necessary for raising mony and powder for the service of the Island; and since your Lordships have not thought fit to approve thereof I believe the Assembly will submit to have the clauses omitted which your Lordships report against, and will when they know exactly your objections prepare bills accordingly until when I omit enlarging on this head only to assure your Lordships that if the liquor Act past in 1717 was not sent home it was not through design but hurry for I happened to be at Leeward when I assented to the same, and that afterwards to have it published and recorded I sent it up to this Island from whence it was omitted to be return'd so it has really lain in the Secretary's Office ever since having slipt my memory *etc.*, as well as another Act past at the same time for reinforcing the former powder Act; However I herewith send them, and have given directions to the Secretary for making out a duplicate of the Powder Act past in 1714 which your Lordships shall likewise have under the Seal assoon as I can get it from the Secretary. That Act was past before my coming to the Government so the fault of the originals not being transmitted cannot lye on me. *Encloses* copies of grants of lands to Major James Milliken and Mr. John Newth *etc.*, "being the only two parcels which I conceive your Lordships have any doubt about." *Encloses* answer to queries of Aug. 8th. *Continues* :—If I am not so exact as you may desire it is because it is impossible for me to be more distinct. As to that part of your letter of 8th August desiring to know whether the soil of foreign Colonies where sugar caines are planted be more valuable than that of H.M. Islands under my Government and particularly whether the land of

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Guardelope or Martinique be preferable to the lands in the late French part of St. Christophers, according to the best account I can gain the lands both of Guardelope and Martinique but especially the latter is much more valuable and preferable to that of St. Christophers it not being so large as either of those Islands, the soil of each of which do at least equal if not exceed that of any of the Islands under *my* Government *etc.* P.S.—*Encloses* Powder Act of 1714 received from the Secretary, and a furlow for Lawrence Brodbelt *etc.* *Signed*, W. Hamilton. *Endorsed*, Reed. 14th, Read 16th Sept., 1719. 6 pp. *Enclosed*,

316. i. Governor Hamilton's answers to Queries of the Board, Aug. 8th, 1718. (i) I have issued warrants for taking a list of the inhabitants *etc.* (ii) It is impossible for me to be exact in answering for I have no account of the last estimate *etc.* (iii) Several inhabitants have removed from Anguilla and some few from Antego Mountserratt Nevis and Saint Christophers in order to settle on Crabb Island before it was last invaded by the Spaniards, but they have now left the same, and are returned some to one Island and some to another, however they and many others seem inclinable to remove to the other small Islands for want of land in better places, which cannot be prevented unless H. M. would be graciously pleased forthwith to order some of the lands in the French part of St. Christophers to be immediately distributed among them, and more especially the inhabitants of Anguilla who must desert that Island, it being so barren that it will not produce Indian provisions sufficient to support them. There are upwards of 1700 people on the Island including negroes; they are very industrious and careful and might be of excellent use to this Government, could they be settled on these Windward Islands; There are above a hundred effective fighting men amongst them. I have done all I could hitherto to prevent their leaving the Island by assuring them that they should be provided for (according to their Lordships directions) as soon as the lands in the French part of St. Christophers were disposed off; but the delays that have happened in that matter make them so uneasy that they talk of removing to the Bahamas or other places. I shall still do what I can to divert them, but I very much despair of being able to keep them long together on that Island; Some of them are already removed, and come to Antego with their family and effects and tis more than probable others will follow; so the desertion of that Island seems to be infallible; All my care shall be employed to prevent

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their going to the Dutch or other foreign Settlements ; And therefore I shall chuse rather to encourage them to come to Antego and these Windward Islands than to think of using arguments to persuade them to stay where they are, being assured any attempt of that kind would prove prejudicial in regard they seem to be dispirited, and almost out of hopes of getting lands at St. Christophers : so that to mention it again to them (unless I could at the same time give them assurances when they might certainly expect to reap the fruits of my promises) would rather hasten their departure to foreign settlements than be a means of staying them on that poor Island. (iv) These Islands have a pretty good trade with all the Northern Colonys but particularly New York, Pensilvania, Road Island and New England, to all which places are exported the growth and produce of these Islands especially rum and mallasses. The importations are chiefly boards staves joysts hoops planks shingles and corn with horses bread and flower. We have also a good trade with Ireland from whence we are supplied with beef butter and certain linens allowed to be imported by virtue of an Act of Parliament made in Great Britain in the reign of her late Majesty Queen Anne ; We have likewise a trade with Madera for wines, and with the coast of Africa for slaves. Our export to the first is inconsiderable, we not being allowed to carry the growth of our Island to that place ; so that our wines are generally brought in vessels, which touch there as they come from Great Britain, Ireland or the Northern Colonys ; our export for Africa is chiefly rum, and as to the rest of our trade it is altogether confined to Great Britain, from whence we receive our other supplies, and to which we transport the rest of our commodities, except what is carried off by illegal traders about which I shall speak more fully. (No. vi). (v) The branch in which these Islands have of late years been most sensibly affected has been the decay of their negro trade. The numbers that are now imported are not near what they were formerly which not only obliges the planters to give greater prices for them than what they heretofore did ; but is a great hindrance to the improvement of the Sugar Plantations, by which means H. M. Revenue is not augmented as it might be, all which I conceive to be owing to that trades being managed by private persons, who always seek more their own benefit than the publick interest. I know this matter has been already debated in the Parlia-

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ment of Great Britain, and much said thereon of both sides, but in my humble opinion, that trade must fail (and the Sugar Colonys consequently sink instead of encreasing) if it be not managed after a different manner than what it is at present, and for my own part I cannot think that it ever can be so well carried on by private hands as by a Company. However I submit it to better judges, but if some expedient be not very speedily proposed for supplying us with negroes, these Islands and indeed all the Sugar Plantations will very soon find the fatal effects thereof. (vi) The Custom House Officers are strictly enjoined to be very diligent and circumspect in preventing all illegal trade by seizing whatever prohibited goods they can find; but nevertheless it is very much to be suspected that the French do drive a considerable clandestine trade in these Islands, and that they do not only supply the inhabitants with their commodities of brandy and claret but that the Dutch from St. Eustatia do even supply them with their negroes and dry goods, and that for payment thereof the sugars are sent down to them from these Islands especially St. Christophers, whereby H. M. is defrauded of his dutys and the prices, or at least the consumption of the English manufactures is considerably lessened; which cannot be prevented unless H. M. would be pleased to send out a couple of good sailing sloops to be constantly employed in cruising about our shoars. (vii) This will be fully answered by the Naval Officers Lists of ships trading to and from these Islands, which I have ordered to be drawn, and shall take care to send them quarterly. (viii) There are no manufactures whatsoever settled in these Islands to my knowledge, but those of sugars rum mallasses cotton ginger and a little indigo. (ix) According to the information which I have from the Custom House Officers the produce of these Islands for about two years past have amounted to about £242,577. (x) Our foreign trade is extended to the French Windward Islands to which the English carry negroes horses provisions wines and other liquors in their sloops and other small vessels, and in return for what they there sell they bring sugars mallasses cotten coco, and other the produce of those Islands, which they sometimes put on board ships bound for Great Britain, and at other times they carry the same to St. Eustatia, and put it on board Dutch vessels. The trade among the French is altogether by stealth, from whence it happens that the English

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vessels and cargoes are often seized by sloops fitted out by the Government as Guard de Coasts, and condemn'd. The English also have some trade to St. Thomas's Curraeco, and other the Dutch Islands to which they likewise carry provisions wines and other liquors. The trade among the Dutch and Danes is publick and open, the returns from whence are small mules for cattle mills, and now and then some coco, formerly the traders brought a good deal of ready money from the French but they have since raised their coin which now prevents their bringing any of that specie from thence. (xi) I am not at present able to acquaint their Lordships when or by what means the foreign Plantations in these parts were first possessed, nor of the exact number of the inhabitants or the Militia in any of the Islands, but it is generally believed that in Martinico they have 5 or 6000 fighting men besides regular troops, which may be about 3 or 400 more. The produce of Martinico and the French Islands are sugars white and brown rum mallasses cotton ginger indigo and coco, but what may be the annual produce of each of them I cannot pretend to say. But Martinico far exceeds any one of these Islands in her annual produce being much larger than Barbados, and indeed it is believed makes as much yearly. Their trade is confined to France and their own Colonys, but nevertheless they have some times ships directly with provisions from Ireland, which vessels lade there and go for France or Holland. The Government consists of a General appointed by the King who has the chief care of the Civil and Military affaires, but matters of meum and tuum are determined by an Intendant who is likewise immediately appointed by the King. There are also Lt. Governors appointed by the King in each of the said Islands as likewise Lieutents. du Roy of each particular division or precinct, who takes the immediate care of the Military affaires within his said Division for which he has an allowance from the Crown. But what methods are used amongst them to encourage and improve the products, and the trade thereof I cannot pretend to advise not being truly acquainted therewith, nor indeed with the exact form of their Government but according to the best information I can gain every thing is done and transacted by the General and Council the Members whereof are likewise appointed by the King. *Signed and dated as preceding. Endorsed, Reed. 14th, Read 17th Sept., 1719. 7 pp.*



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- 316 ii. Copy of grant of land in Basseterre to James Milliken. *Signed*, W. Hamilton. 18th Jan., 17<sup>16</sup><sub>17</sub>. *Endorsed*, Reed. 14th Sept., 1719. 1 p.
- 316 iii. Copy of grant of land in Basseterre to John Newth. 9th Nov., 1717. *Signed and endorsed as preceding*.  $\frac{3}{4}$  p.
- 316 iv. Governor Hamilton's Licence of absence from Nevis for 6 months for Lawrence Brodbelt, to attend his affairs in Great Britain *etc.* 20th July, 1719. *Signed and endorsed as preceding*. Copy.  $\frac{3}{4}$  p. [C.O. 152, 12. Nos. 155, 155 i—iv.]

July 20.  
Antigua.

**317.** Governor Hamilton to the Council of Trade and Plantations. The occasion of my troubling your Lordships at this time is to lay before you a case that lately happened in this Island which has bred a question in which the Plantation trade is so much concerned that I should be glad to know your Lordships sentiments upon it and to receive some directions therein. A snow called the *Edvard and James* came into one of the ports of this Island from Bristol where she took in some part of her cargo and cleared out at the Custom house there for Madeira, Antigua and St. Christophers, and that she was bound to those places only appears by the bills of loading which the Master had signed, from Bristol she went to Corke, and there taking in some Irish tallow cleared out for Curraeo. The Master when he arrived at Antigua came reported to me and went to enter at the Custom house and delivered to the Chief Officer a manifest of his cargo signed with his own hand wherein the Irish tallow was incerted, and it not appearing or being pretended that the same was shipped or laden in England the Officers made a seizure of the vessell and libelled her in the Admiralty Court upon the 6th Clause of the Statute 15 Car. 2d., cap. 7. My Lords as that Act forbids the importing of any European commodities into any of H. M. Plantations but what are laden in England the question was whether the bringing such goods into a port and making an entry of them at the Custom house were an importation but our Courts of Justice before whom these cases come are very much divided and at a loss to determine what is an importation within the meaning of that Act; In the case I have now mentioned the Court of Admiralty of Antigua, acquitted the vessell, and was not only of opinion that there was none but also that nothing would make an importation but bringing the goods on shoar or at least putting them over the side of the vessell. My Lords, if this be a just exposition of that Act and a true meaning of it I must observe to your Lordships that the trade designed to be prohibited by it is still left open and the remedy by far too feeble, for the mischief it was calculated to prevent, for if ships may come into the ports and harbours of the Plantations with

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such goods on board and there lye and unlade any other goods not prohibited as upon this way of construing the Act they very well may, and not incur any penalty till they are taken in the very fact of landing the prohibited goods it will very rarely happen that the Officers of the Customs can hinder or detect them. It can hardly be supposed which way they should but by putting waiters on board which would not only create infinite trouble and charge to the Crown, and as their present sallaries will not allow it this has not been yet and I doubt hardly will be put in practice unless they have a sufficient number of Officers appointed under them and paid by the Crown for that purpose, but if the end proposed might be by these means attained which is very much to be doubted it is not to my apprehension what the Parliament had in view, but they carried the remedy higher and thought of other means which would more effectually secure this branch of the English trade, and prove a stronger guard to the security of it which was to make every vessell liable to a forfeiture that should come into any of the ports of the Plantations with any commodities of the growth of Europe but what were laden in England and the subsequent laws to prevent any concealments enacting that the Master of every vessell should deliver upon his arrival an inventory of his loading to the Governor or such officer as he should appoint seems to be only with a purpose that the Governours might be at no loss to know when any such goods were brought into port, and that the Master or Owners might have the less hopes of carrying on such prohibited trade with impunity, and I can't see that this is any strained construction of the words of the Act which are (shall be imported into any lands etc.) since every port is by the Law deemed within the body of the County nor do I think it a remedy that has any thing very harsh or rigorous in it, for though there be no exceptions in the Act yet in natural reason and equity there must be an implied exception in cases of necessity where a ship is either forced in by stress of weather or an enemy or for want of sustenance and it fairly appears she is bound to another place, but though it should in some particulars be severe yet I believe it will be found that this is the only adequate remedy that could be provided *etc.* My Lords if our Judges have in any point mistaken the meaning of this Act it is of very great consequence to our trade not only that it should be reversed but that a clear exposition should be given of the Act in a judicial way, that our Courts here may be at no uncertainty for the future, and as the Officer who informed against this vessell has appealed from the sentence of the Court of Admiralty to H. M. in Council, I thought it my duty to apprize your Lordships of this case *etc.* Signed, W. Hamilton. Endorsed, Reed. 16th October, 1719, Read 27th June, 1721. 3 pp. [C.O. 152, 13. ff. 54-55 v.].

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July 21.  
Whitehall.

**318.** Mr. Popple to William Nivine. The Lords Justices having appointed Colo. Bladen to go to France to settle several matters relating to the disputes between this Kingdom and France, in America, and particularly about the capitulation of Nevis and the sufferers at Mountserrat by the French invasion, *etc.* desire you will let them have as soon as possible the most particular account you can of the said losses at Mountserrat, and of the capitulation at Nevis, in order to their preparing the necessary Instructions for Colo. Bladen who is to be going in a very short time.

*Note:* A similar letter was writ to Mr. Roland Tryon. [C.O. 153, 13. pp. 422, 423].

July 21.  
Whitehall.

**319.** Council of Trade and Plantations to the Lords Justices. *Reply to July 4th.* In our opinion Mr. Keith has done very well in declining to act under this new Commission for the reasons mentioned in the papers referred to us, and for another much stronger, which is, that by virtue of the Act for preventing frauds *etc.*, all Governors appointed by Proprietors are to be approved of by H. M. *etc.* We conceive the commission now granted by Mr. Penn the son, is a new nomination, and ought to have been laid before H.M., *etc.* We cannot help thinking that all occasions should be laid hold on to recover at least the Dominion of all the Proprietary Colonies into the hands of the Crown. Suggest completion of agreement made between her late Majesty and Mr. Penn, and that Mr. Keith be continued under the former commission till the present Proprietor and the Trustees have settled their differences *etc.* Set out, Penn. Col. Rec. III. 73. [C.O. 5, 1293. pp. 218, 219].

July 21.  
Whitehall.

**320.** Order of Lords Justices in Council. Approving Representation of 8th inst., and repealing 9 Acts of Pennsylvania accordingly. Signed, James Vernon. Endorsed, Reed. 10th, Read 16th Sept., 1719. 1½ pp. [C.O. 5, 1265. No. 130].

July 21.  
Whitehall.

**321.** Mr. Popple to the Governor of the Hudson's Bay Company. Col. Bladen being appointed by the Lords Justices to go to France, to settle ye disputes between the two Kingdoms, relating to the losses on either side; the Council of Trade and Plantations desire you will send them as soon as may be, an account of ye losses the Compa. have suffered, or demands they may have to make of the French upon this occasion. [C.O. 135, 3. p. 137].

July 21.  
Whitehall.

**322.** Order of the Lords Justices in Council. Referring following to the Council of Trade and Plantations for their report thereon. Signed, Ja. Vernon. Endorsed, Reed. (from Col. Vetch) 13th May, Read 1st July, 1720. 1½ pp. Enclosed,

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322. i. Petition of Col. Samuel Vetch, Richard Mullins, Charles Davison, David Pigeon, Charles Browne, James Abererombye, Cutts Hassan, Alexander Wilson, Franeis Sullivan, George Lee, Peter Capon, Charles Bruce, William Cook, John Woodin, John Cocksidge, Seare Mathews, on behalfe of themselves and others who were in actual service in the late Expedition by which Port Royal and the places adjacent were reduced *etc.* to the King. Pray for a grant of land in Nova Scotia, in accordanee with the preference promised in H. M. Instructions to General Nicholson. v. A.P.C. II. No. 1325. *Signed as above.* 5 pp. [C.O. 217, 3. Nos. 3, 3 i; and (*without enclosure*) 218, 1. pp. 455, 456].

July 22.  
Whitehall.

323. Mr. Popple to Dr. Cox. The Council of Trade and Plantations desire to speak with you concerning your grant of Carolana, *etc.* [C.O. 5, 1293. p. 220].

July 22.  
Whitehall.

324. Mr. Popple to Capn. Hyde. The Council of Trade and Plantations desire the favour of you to lend them for 2 or 3 days your map of the Bay of Mexico and the French Settlement at Louissiana, and to have an opportunity of discoursing with you thereupon, on Friday morning next, at 10 of the clock. [C.O. 324, 10. p. 262].

July 22.

325. B. Ianthial to the Council of Trade and Plantations. *Enquires* whether H. M. has given any orders on the petitions presented to H. M. 15th March last, from the garrison of Annapolis and Isabella Dunn (v. July 23rd). Her late husband was one of the best serjeants of the garrison, and she was reduced to the last extremity *etc.* Most all the garrisons have designs to run away this year. I hinder'd above 40 to desert last year, telling them that certainly they will receive satisfaction for their hard usage. They promised they would stay till the latter end of July for my answer to their petitions *etc.* I believe it would be proper to allow every one of them some land and privileges *etc.* and that their accounts should be settled and paid in money, not in rum *etc.* I left them in the most deplorable condition *etc.* Before I left there was a sloop robbed, and some Indians brought news that part of the crew were lost upon an expedition, which wee did mistrust to have been murdered by the Indians. There is a great fear of an insurrection this year amongst the Indians *etc.* The fort, houses, magazines, arms, *etc.*, want to be minded and repaired. There has not been this severals years in the said Fort any physicks, nor plaisters for the sick soldiers, which have been obliged to be supplied with, by the French inhabitant physician (a Roman Catholick). Most of the King's Plantations

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decays for want of incouragement to the industrious peoples *etc.* *Signed*, B. Ianthial. *Endorsed*, Reed., Read 22nd July, 1719. 4 pp. [C.O. 217, 2. No. 79].

July 23. **326.** Monsr. Ianthial to the Council of Trade and Plantations. Encloses following and proposes to explain his ideas to the Board, *etc.* P.S.—By the *Hannover*, Capt. Chadder, that sailed 10th May for Annapolis Royal, I sent word to the garrison that their petitions have been presented to H. M., and that the Governor expected to be there the latter end of this summer, who assured me that at his arrival they shall all receive a due satisfaction *etc.* *Signed*, B. Ianthial. *Endorsed*, Reed. 23rd July, 1719.  $1\frac{1}{3}$  pp. *Enclosed*,

326 i. Petition of Isabella Dunn to the King. Petitioner's husband, a sergeant of the garrison at Annapolis Royal, was barbarously murdered by Lt. Jephson, and she and her three children are left destitute. Presented 15th March, 171 $\frac{1}{2}$ . *Copy*. 1 p.

326 ii. Petition of the four companies of the garrison at Annapolis Royal to the King. Annapolis Royal, Dec. 19, 1718. *Pray* for relief from their deplorable condition, they not having received any subsistence this 6 $\frac{1}{2}$  years, nor any account given for itt, nor any cloaths but Cannaday cloaths, which were not fitt for this country being so thin and not lined, although charged 20s. sterling for them. They are forced to doe your Majesty's commands having neither shoes, stockings, or shirts to their backs, but few coats, and but short allowance of provisions. They have never received any candle lights or bedding although charged to the Nation's accounts, nor any straw for four years, *etc.* Presented 15th March, 171 $\frac{1}{2}$ . *Copy*.  $1\frac{3}{4}$  pp.

326 iii. Petition of Monsr. Ianthial to the King. 5th May, 1719. *Similar* to that of 22nd July. *Prays* also for two patents for silver mines and for printing two or three books which will be approved by all the Bishops of the Anglican Religion. *French*. *Copy*. 3 pp. [C.O. 217, 2. Nos. 81-84].

July 23.  
Tunbridge  
Wells.

**327.** Mr. Nivine to Mr. Popple. *Reply* to 21st. Will not be able to answer till latter end of next week. Is obliged to take the waters, but has written to a gentleman in London *etc.* *Signed*, Will. Nivine. *Endorsed*, Reed., Read 28th July, 1719. *Addressed*. *Scaled*. *Postmark*.  $1\frac{1}{2}$  pp. [C.O. 152, 12. No. 146].

July 24.  
Antigua.

**328.** Governor Hamilton to the Council of Trade and Plantations. *Encloses* several Acts. *Continues*: I have no

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particular observations to make upon any of them ; The reasons and utility thereof sufficiently appear of themselves in the bodys of the said Acts. I shall only observe that the Court Merchant Act since its being first past, has considerably advanced our trade in general, and in particular, that part thereof which transient persons usually have here, by helping them to a speedy and just way of recovering their debts ; but the transient persons taking the advantage of that part of the Act for selling goods by outcry, at the highest prices, and by that means setting their own price on the produce of this Island it was found very grievous and burthensom to the present inhabitants ; and therefore it was thought very just and reasonable that that part thereof should be altered as it now is by this subsequent Act, which being found in other respects a wholesome and good law is made perpetual. I hope your Lordships will approve of this Act, and lay this and the other Acts before H. M. for his Royal assent *etc.* *Signed, W. Hamilton. Endorsed, Recd. 14th, Read 16th Sept., 1719. 1 p. Enclosed,*

328 i. List of 7 Acts of Antigua sent with preceding. *Same endorsement. 1 p. [C.O. 152, 12. Nos. 156, 156 i.].*

July 24.  
Whitehall.

**329.** Mr. Popple to Jeremy Dummer. Asks for an account of the boundaries between New England and the French Settlements, and whether the French have made any incroachments upon the English in those parts on "next Tuesday come sevennight." [*C.O. 5, 915. pp. 300, 301.*]

July 24.

**330.** Lords Proprietors of Carolina to Governor Johnson. We have read and perus'd your letter and all your papers deliver'd to us by your agent Mr. Yonge and tho we are favourably inclin'd in all our thoughts relating to our Governors, yet we must tell you we think you have not obey'd our orders and directions given to you to dissolve that Assembly and forthwith to call another according to the ancient usage and custom of the Province, and to publish our repeals of those Acts of Assembly immediately upon the receipt of our Order aforesaid ; But we shall say no more upon that subject, not doubting but our Governor will pay a more punctual obedience to all our orders for the future. The Lords Proprietors' right of confirming and repealing laws, was so peculiar a privilege granted to them by the Crown that we can never recede from it, and we do assure you we are not a little surpriz'd that you wou'd suffer that prerogative of ours to be disputed. We have sent you herewith an Instrument under our hands and seals nominating such persons as we think fit to be in the Council with you, six whereof and yourself and no less number shall be a Quorum. We also send you the repeal of three Acts of Assembly, which

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we order you to publish immediately upon your receipt of this. We do assure Mr. Johnson that we will stand by him in all things that relate to the just execution of his office, and we are confident that he will perform his duty to us and support our power and prerogatives to the best of his abilities. If the Assembly chosen according to your pretended late Act is not dissolv'd as we formerly order'd you, and a new Assembly chosen pursuant to the Act formerly confirm'd by the Proprietors, you are forthwith commanded hereby to dissolve that Assembly and to call another according to the abovemention'd Act of Assembly. Upon your receipt of this, we hereby require you to summon the said Council that they may qualify themselves according to law and immediately sit upon the dispatch of business. We also think it proper that when matters are to be debated in Council, wherein any of the persons who sit in Council are concern'd, they ought to withdraw in the same manner as we have order'd our Chief Justice in case of appeals from his judgement. *Signed*, Carteret Palatin; M. Ashley, J. Colleton, J. Danson. [C.O. 5, 290. pp. 146-149].

July 24. **331.** *Same* to the Governor and Council of South Carolina. We receiv'd by Mr. Yonge 3 Acts of Assembly, which were sent to us by you for our approbation, vizt., an Act *for laying an imposition on negros, liquors, etc.*, an Act *to ascertain the manner and form of electing members to represent the inhabitants, etc.*, and an additional Act *relating to the payment of the Lords' rents and the sale of their lands*; We can by no means consent to either of these three Acts and we do therefore repeal all and every one of the three aforesaid Acts *etc.* *Signed as preceding.* [C.O. 5, 290. pp. 149, 150].

July 24. **332.** *Same to Same.* We have receiv'd your letter by Mr. Yonge, and the Articles exhibited by Mr. Allen, Whitaker *etc. as in preceding.* *Refer to the 3 Acts repealed in foregoing.* *Continue:* We think the Act *for laying an imposition on negroes etc.* illegal because of the great inequality the subjects of Great Britain lie under in relation to their trade. We think the Act *to ascertain the manner of electing members etc.*, void in itself, because it breaks thro an Act made by the Assembly and confirm'd by the Lords Proprietors, and never repeal'd by the same authority. An Act *relating to the payment of the Lords' rents etc.* We can by no means comply with this law, for we will never suffer the Assembly to dispose of our lands; and by this Act (if we should allow of it) we shou'd confirm two Acts we have not yet seen; and lastly this Act pretends to give us a power to sue for our arrears, which power was ever legally in us and which power we will exert, when and as often as we shall think proper. *Signed as preceding.* [C.O. 5, 290. pp. 150-152].

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**333.** *Same to Same.* We shall be always willing to comply with the General Assembly in all Laws that may lead to the publick good of the Province, and for ascertaining the people's rights to their lands they are lawfully in possession of, and for securing our dues upon that account, provided our rights and prerogatives are not given up nor the trade and navigation of Great Britain are not prejudic'd. We do hereby require and strictly enjoin you our Governor and Council, that for the future you never give your consent to the passing of any Act which may any way affect the Trade or Navigation of Great Britain or our rights and properties unless there be a clause inserted in such Act that the said Act shall not be in force untill it be approv'd by us under the Broad Seal of our Province. *P.S.*—We do hereby require you never to suffer any Act of Assembly to be executed or be in force, which has been repeal'd by us under the Seal of our Province. *Signed as preceding.* [C.O. 5, 290. p. 153].

July 24.

**334.** *Same to Nicholas Trott, Chief Justice of South Carolina.* We have read your letter to us and your argument you made in our behalf and in justification of our rights and the prerogative granted to us by the Crown, of repealing and confirming the Laws of the Province of Carolina. Your argument was very just and close and their answer to you as trifling and evasive; we return you our thanks for it, and we do assure you in that point you have highly oblig'd us. We have receiv'd some complaints against you by the practitioners of the Law in that Province, we have order'd a copy to be wrote out and sent you that you may have an opportunity to justify yourself against the complaints made against you in that accusation. We have also receiv'd a complaint that there is no appeal from your judgment upon the accot. of your having a vote in Council in cases of such appeals. We therefore require you that were there are appeals from your judgment, after you have assign'd the reason of your judgment you do withdraw and leave that matter to be determin'd by the Govr. and Council without you. *Signed as preceding.* [C.O. 5, 290. pp. 154, 155].

July 24.  
Boston.

**335.** Mr. Bridger to Mr. Popple. Since my last James Smith Judge Advocate here was suspended by the Governor for what reason I know not. Smith by way of revenge with the assistance of some people here who has loaded him with complaints against the Governor is gone home. Mr. Cooke has seraped together all his old complaints and affidavits procured by himself when Clerk of the Superiour Court in the Province of Main last year, some 12 years since, some 8, some 6, some 4 years agoe, some when I was not in the country, all these against me: in order to lay them before their Lordships and render me unfitt ever to serve the King againe as Cooke sett's



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forth to the Assembly. Whatever papers he has sent pr. Smith pretending to have been done by the Assembly is not true, but has prevailed on some of that people to signe something by way of letter pursuant to an order from the Assembly, or by way of memorial, and by the way of Committee against me which the Spaker nor none of the other Assembly men so much as knew of *etc.* This James Smith is the person that would have been Surveyor of the Woods, *etc.* *Signed*, J. Bridger. *Endorsed*, Reed. 15th, Read 16th Sept., 1719. *Addressed*. 1 p. [C.O. 5, 867. No. 50].

July 27.

**336.** M. Ianthial to the Council of Trade and Plantations. Since sending the petitions to your Lordships July 23, I have been surprised to hear that my name and writings have been exposed, for all that I did beg your Lordships to be please to keep my name private, not that I am shame of my family, that has been Protestant since the beginning of the first Reformation *etc.* I beg pardon if I have offended *etc.* My design is not to have anybodys turn out of their places, but only to get a dayly subsistance *etc.* *Signed*, B. Ianthial. *Endorsed*, Reed. 28th July, 1719. 1 p. [C.O. 217, 2. No. 85].

July 28.  
Whitehall.

**337.** Mr. Popple to Col. Jos. Jory. Invites him, if he has anything further to offer in relation to the capitulation of Nevis, to let the Board have it on Tuesday. [C.O. 153, 13. p. 423].

[July 28.]

**338.** Memorandum of account of losses sustained by the Hudsons Bay Company *etc.* cf. Aug. 13. *Endorsed*, Reed., Read 28th July, 1719.  $\frac{1}{4}$  p. [C.O. 134, 2. No. 44].

July 29.  
Whitehall.

**339.** Council of Trade and Plantations to Governor Rogers. *Acknowledge* letters of 27th and 29th May. We must desire you to be as punctual and particular as you can in your correspondence with us, for without that it will be impossible for us to do you any service in representing those matters which may be for the good of the Island. We have not yet receiv'd either the maps you mention, 31st Oct. 1718, and 27th May last, nor the tryal of the man that was executed [v. 27th May]. We are sorry to hear that the fears you are in of being attack'd by the Spaniards *etc.*, has kept so many people from settling, but we hope your diligence may in some measure prevent your being attack'd, and forward the settlement of the Islands by all the proper means that may encourage the same. When the Islands come to be a little better settled, we shall propose to H. M. that the persons you have recommended be appointed Members of the Council by a mandamus from hence, in the meantime you have power under the Great Seal to constitute such persons you shall think the most proper to supply any vacancies in the Council, who will be Councillors to all intents and purposes till H. M. pleasure be known. [C.O. 24, 1. pp. 27, 28].

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**340.** B. Ianthial to the Council of Trade and Plantations. Requests answer to July 23rd, *etc.* *Signed*, B. Ianthial. 1 p. [C.O. 217, 2. No. 80].

July 29.  
Custom ho.,  
London.

**341.** Mr. Carkesse to Mr. Popple. Encloses following to be laid before the Council of Trade and Plantations. *Signed*, Cha. Carkesse. *Endorsed*, Reed. 29th July, Read 5th Dec., 1719. *Addressed*.  $\frac{3}{4}$  p. *Enclosed*,

341 i. Extract of letter from John Kelly, Collector of Jamaica, to the Commissioners of Customs. Jamaica, 30th April, 1719. 'Tis not to be imagined what straights the few trading people of this Island are reduced to since ye Declaration of a War with Spain, for that war which was thought here, the only expedient possible to redeem our trade to the Spanish coast (which was lost to us partly by the South Sea Compa. and partly by the number of pirates that roved about us) is the greatest checque to its restoration, and that for want of the like indulgence as was shewn to our own subjects the last war, which permitted them to trade with the Spaniards; there is now £10,000 worth of woollen and other Brittish manufacture lying perishing on the hands of ye merchants here, weh. they dare not export to the Spanish coast to the ruin of sevl. of them, but when it is considered how advantageous it is to England to have her manufactures exchanged for money, which drains the Spaniards of the sinews of war, at the same time that it inriches Great Britain, and how our Allies the Dutch and other Nations are gainers by ye trade denied to us, it may be hoped it will not be thought ill policy to put the King's subjects on the like footing they were the last war, with respect to the Spanish trade without which H. M. Plantacons cannot subsist, *etc.* A project has been sett on foot for the retaking of the Bay of Campechia, which will be of the highest importance to the King's Colonies, and to his Revenue, it is to be considered what a great consumption of Brittish manufacture, as well as of the produce of ye Plantacons, what a number of men and shiping it will employ, which will in a great measure prevent ye further growth of pyracry, should this project be carried into execution, before the conclusion of a peace with Spain, it will be the easier established on a Treaty, *etc.* 2 pp. [C.O. 137, 13. Nos. 36, 36 i.].

July 30.  
Jamaica.

**342.** Governor Sir N. Lawes to the Council of Trade and Plantations. *Encloses duplicate of 28th April.* *Continues*: Since which time I have not received any of your commands nor

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indeed since my arrival, except one letter from Mr. Popple *etc.* I am now to give some account of a report, we lately received of a Spanish squadron of ships being arrived in this part of the world, which occasioned us to lay an embargo on all the shipping, and Martial Law to be put in force. I shall endeavour to give as brief an account *thereof*, as I possibly can. On 24th June, a small vessel arrived here from Petit Guaves, the master whereof reported that a French ship from Rochell was arrived the day before he sailed from thence, who had met in her passage a little on this side the Tropiek, about 40 odd sail of ships, and that he took them to be Spaniards, some of them having given him chase: soon after, intelligence was brought me by a vessel from Courassoa that a sloop was put into that port, who had been taken in these seas by several sail of Spanish men of war, and that they were designed to touch at Porto Rico; and this last account corroborating and agreeing with some advices we had received from England of several Spanish men of war being sailed for the West Indies, I did thereupon immediately summons a Council who were of opinion with myself that an embargo should be forthwith laid on all the shipping, and that a Council of War shou'd be summon'd as soon as possible, that with their advice Martial Law might be put in force; immediately three advice boats were fitted out, to gain what intelligence we could of the enemy and of their designs, one of them with instructions to view every port and harbour on the South side of Hispaniola and up as far as Porto Rico, the second with dispatches to the Marquis de Chasteaumorant, Governor of the French Colony on that Island [*i.e.*, *Petit Guavas*.—Ed.], to know the certainty of what the master of the French vessel had reported, and that if at any time he should receive accounts, which might be depended upon, of the enemys intentions, that he would be pleased to dispatch an express to me therewith, the third vessel was sent in search of Commadore Chamberlain and the rest of H. M. ships (none of them being then in harbour except the Ludlow-Castle) to desire them to return for the protection of the Island with all possible dispatch. On 27th June the Council of War met and they advised me to put Martial Law in force for one month, which was accordingly done the day following, and all possible measures were taken for putting the Island in the best posture of defence, which we found in many respects to be in a very bad state and condition. I gave strict orders to the commanding officers to have their men well disciplined, and to return me lists of their respective regiments, that we might be certain of our strength. Some of them have already done it, but others lying more remote, their lists have not yet come to my hands, so soon as I can get them compleated the same shall be transmitted to your Lordships. The next thing that remain'd for me to do, was to view the Forts on Port Royal,

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and having taken the advice of the Council and others most skilled in fortifications, it was determined that the upper platform in Fort Charles which is intirely rotten and on which there are nine large guns planted, should be forthwith taken down and rebuilt, and that Walker's line should be gone on with, which when finished would be of the greatest use and service, it having almost the intire command of the harbour, and as this necessary work can be done with much less charge to the Government in time of Martial Law, than otherwise, so I hope what has been done and resolved on will meet with your Lordships approbation. We were now come to the 24th of July and none of our advice boats being return'd nor any other information of the enemy than what is before recited, I called another Council of War, who were of opinion that I should continue Martial Law in force, till the tenth of next month, and on the 28th instant the vessel which I had sent to the Marquis de Chasteaumorant returned with a letter of which the inclosed is a copy and at the same time I had notice of one Johnson being arrived in this Island from Courassoa, who had been taken by the Spanish squadron, and having examined him before myself and Council, *refers to enclosure ii.* The Commanders of the merchant ships being very impatient to have this Fleet sail to prevent a winter voyage, they petitioned me to take off the embargo and I advised with the Council on that head, and they were unanimously of opinion with myself, that the Island seemed for the present to be out of danger from any attempt that could be made by the Spanish ships of war mentioned in Johnson's affidavit, whereupon I ordered the embargo to be taken off, but Martial Law to continue in force till the time before mentioned, in order to have our Militia better disciplined, and for compleating the work weh. is now begun on our Fortifications *etc.* In most of my former letters I represented to your Lordships our great want of wartime stores, and an Engineer. I hope your favourable representation to H. M. on this head will be a means of our being supplied with what we so much stand in need of, and as this alarm has put the country to a considerable expence, and there being no mony in bank to defray that charge, so I shall when Martial Law ceases propose again to the Council the calling another Assembly, and I am in hopes they will give in to it, and that they will both meet with a better temper and disposition to do their King and their Country service than in the former Sessions. Nothing can be a greater uneasyness to me, than not to have it in my power, perfectly to reconcile the minds of the inhabitants of this Colony to one another, however from so long a recess their warmth seems to be somewhat abated, and surely in this time of publick danger they ought all to unite and set about doing something for the good and defence of their country; for my part I shall earnestly endeavour, as

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I have hitherto done, the accomplishing that which was my chief desire, the doing H. M. service and uniting the people, that this fruitful Island may again flourish. *Refers to enclosure iii. Signed, Nicholas Lawes. Endorsed, Reed. 15th Oct., 1719, Read 2nd Nov., 1720. 5 $\frac{3}{4}$  pp. Enclosed,*

342 i. Marquis de Châteaumorant, Governor of Petit Guavas, to Governor Sir N. Lawes. Leuganne, 31st July, (N.S.), 1719. Confirms report of master of French ship referred to in preceding, but the squadron was heading north, which makes him think it was a Portuguese fleet returning to Europe. Promises to send an express in the event of his receiving important news. *Concludes:* But I think you may be at ease, for I am informed by the Marquis de Sorel, who is coming to relieve me in this Colony, that the squadron which brings him, has received orders to go to Louisiana to defend it against the Spaniards who are going there by land and sea *etc.* *Signed, Chasteaumorant. Endorsed as preceding. Copy. French. 1 $\frac{1}{2}$  pp.*

342 ii. Deposition of John Johnson. Deponent was taken by 7 Spanish men of war, north of Antego, and carried to Porto Rico. The Spanish Fleet then steered west. Five of them were reported to be bound for La Vera Cruz and two to the Havana. They were deep laded, but not above 100 soldiers apeice aboard the three largest *etc.* *Signed, John Johnson. Same endorsement. Copy. 1 p.*

342 iii. Receiver General's account of H. M. fortifications in Jamaica, 25th March, 1719. *Signed, Richd. Mill, Nicholas Lawes, Deane Poyntz, Dep. Auditr. Same endorsement. 2 pp.*

342 iv. Receiver General's account of H. M. Revenue in Jamaica. March 25, 1719. *Signed and endorsed as preceding. 4 pp. [C.O. 137, 13. Nos. 38, 38 i.-iv.; and (without enclosures) 138, 16. pp. 249-256; and (abstracts of covering letter) 137, 51. Nos. 72, 73].*

July 30.  
Whitehall.

**343.** Mr. Delafaye to the Governor of New York. *Encloses following. Concludes:* The Lords Justices direct that you enquire into this matter and send to Mr. Seery. Craggs a full and particular account of it to the end restitution may be ordered if the complaint is well grounded, and if not, that a satisfactory answer may be given thereto. *Signed, Ch. Delafaye. Annexed,*

343 i. Monsr. Chammorel, French Secretary and Chargé des affaires, to the Lords Justices. *Requests* that justice may be done to M. de Rosset, restitution made and damages paid. *Hopes* that the proceedings of Capt. Jacob will be deemed quite unjustifiable, *etc.* London,  $\frac{2}{3}$  July, 1719. *French. Copy. Annexed,*

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343 ii. Extract of letter from Mons. de Rosset, Capt. of the ship *La Victoire* belonging to the Compagnie Française d'occident, to M. de Chammorel, New York, 15th May, 1719. Returning from the Mississippi to France I was forced to refit my ship at the Havana. I took in a cargo of tobacco for the King of Spain to be landed at Cadiz. I left in haste owing to the rumour of a rupture between France and Spain. Meeting with the English man of war *Diamond*, off Bahama, I was enticed on board by an unworthy trick. Capt. Jacob broke his word of honour by keeping me prisoner, and seizing my vessel after firing at her for half an hour though no shot was fired in return, under pretext of instructions to make reprisals upon Spanish vessels. He searched and despoiled my crew and sent back a dozen Spaniards I had engaged to reinforce my crew, and carried me to New York, where I have pleaded for over three months, but only succeeded in obtaining restitution of my ship, the captain having seized everything in her, French and Spanish goods alike. I am reduced to the most pitiable condition, being without food or credit and with the expence of a large crew. The Captain has thus violated the Treaty of Commerce and Navigation (*Utrecht*), which he says was only made for Europe *etc.* The cargo was worth 500,000 francs and damages, 20,000 crowns *etc.* *Copy. French.* [C.O. 324, 33. pp. 245-251].

July 30.  
Whitehall.

344. Mr. Delafaye to Lt. Governor Keith. *Encloses* representation of Council of Trade and Plantations, approved of by the Lords Justices *etc.* *Continues:* I am to signify to you their Exeys. approbation of what you have done and their directions that you do as is proposed in the said report continue to act as Governor of Pensilvania under your former appointment till the present Proprietors and the Trustees shall have settled their differences between them; or untill further signification of H. M. or their Exeys. pleasure. *Signed, Ch. Delafaye. Annexed,*

344 i. Copy of representation of Council of Trade and Plantations to the Lords Justices, 21st July, 1719. [C.O. 324, 33. pp. 252-255].

July 31.  
Whitehall.

345. Alured Popple to Mr. West. *Encloses* (in the absence of his father) Acts of Barbados 1718, 1719 for his opinion thereon, together with those referred 23rd April, as soon as may be. [C.O. 29, 13. p. 505].

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July 31.  
Whitehall.

**346.** Mr. Delafaye to the Council of Trade and Plantations. The Lords Justices have approved your Lordships report of 21st instant, and I have written to Mr. Keith accordingly *etc.* Signed, Ch. Delafaye. *Endorsed*, Read 14th Aug., 1719.  $\frac{1}{2}$  p. [C.O. 5, 1265. No. 129; and 5, 1293. p. 221].

Aug. 3.

**347.** Mr. West to the Council of Trade and Plantations. Report on Acts passed in Barbados in 1717 and 1718. *Enumerates* 18 to which no objection is taken. In the (*expired*) Act *requiring all persons to bring into the Treasurer's Office a list of all orders due to them from the publick*, it would have been reasonable to allow a longer time than 15 days, a limit which may be very injurious to persons dwelling out of the Island *etc.* There are 4 private Acts not proper to be past into law:—(i) An Act to dock the intail of a plantation in the parish of St. James's *etc.* and to vest the fee simple in William Thorpe, youngest son of Robert Thorpe deed. Tho' there is a reservation of the right of Thomas Thorpe who in case he shou'd return into Barbado's wou'd be intituled unto the estate in fee, yet it is upon this condition that he shou'd live in the Island. Now tho' this is in pursuance of the testator's will, yet while it stood upon the foot of the will, Thomas Thorpe might and perhaps with success have disputed the validity of that condition but if it be annexed unto his estate by the passing of this Act into law he is then bound down to the performance of that condition without remedy and his removall out of the Island to reside even in England might be construed to be a forfeiture of his estate. I submit it to your Lordships to determine how farr conditions of this nature are to be encouraged or not. (ii) An Act *to dock the intail on certain plantations in the parish of St. Thomas and St. James, and to vest the same in Joseph Gibbs.* The estates are derived from the wills of two different testators who created the intailles and reserved upon the determination of the intailles the remainder in fee to their respective right heirs and yet there is no recitall in this Act (by which it is proposed to dock the said severall intailles) of the severall consents of the next heirs of either of the said testators which I conceive to be not only requisite in consequence of the Governours Instructions but even of naturall justice and equity. (iii) An Act *to dock the intail on two messuages and three peices of land in the town of St. Michael, and on certain negros slaves and to vest the fee simple thereof in Martha Lenoir wife of John Lenoir Esquire and daughter and heir of William Craggs Esq. late of the town of St. Michael merchant decess'd.* My objection is that it is impertinent, for Martha Lenoir hath an estate in fee simple without it, *etc.* (iv) An Act *to dock the intail limited on certain lands etc. in the parish of Saint Philip, and to invest the fee thereof in John Jones Gentleman.* Tho' there is in it a reservation of the right of the Crown yet it is not proper to be

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confirmed upon the account that a clause is wanting to save the rights of all bodies politick and all other persons whatsoever not mentioned in the Act *etc.* *Signed*, Richd. West. *Endorsed*, Reed. 6th Aug., 1719, Read 5th July, 1720. 8½ pp. [C.O. 28, 15. No. 92].

Aug. 3.

**348.** Mr. Philips to Mr. Popple. Encloses following to be laid before the Council of Trade *etc.* *Signed*, A. Philips. *Endorsed*, Reed., Read 4th Aug., 1719. 1 p. *Enclosed*,

348 i. Col. Vetch to Mr. Philips. July 29th, 1719. I have the favour of yours with relation to the limits betwixt the province of New York and the French of Canada, *etc.* As they have never yet been determined, so each party claims what seems most convenient and advantageous for them, *etc.* *Signed*, Sam. Vetch. 1 p. *Set out*, N.Y. Col. Does. V. 530. [C.O. 5, 1051. Nos. 96, 96. i; and 5, 1124. pp. 113-115].

Aug. 4.

**349.** Memorial presented to the Council of Trade and Plantations by the Proprietary of Carolana (Dr. Cox). In obedience unto your Lordships commands, I thought it expedient to add unto the Memoriall presented unto King William and wherewith he was so well satisfied that he was pleas'd to order a Council which was very numerous wherein it was read debated and accepted unanimously with great applause and H.M. often declared he was so sensible of the English Nations interest in this affair both for promoting their trade and securing them from the inconveniences that might accrue unto the English Plantations upon ye Continent *etc.* that he was pleas'd to order me frequently to consult my Lord Sommers then Lord Chancellor and others who all gave me the greatest encouragement to proceed as did H.M. frequently, with assurances of his ayd and assistance both of ships, men and money. It pleas'd God to take him to himself and notwithstanding my frequent applications afterwards I had many favourable promises though never yet found any good effects thereof. Other affairs which seemed to them of greater moment wholly taking up their thoughts. Whereupon I have ever since desisted from prosecuting further an affair which could never have succeeded without aid and countenance from the publick. But since the Lords Justices and your Lordships have thought fitt to revive the consideration of this undertaking and your Lordships have required me to acquaint you with whatsoever of moment hath come to my knowledge relating unto our just and due right unto the Province of Carolana or Florida *etc.* *Gives* an account of English and French claims and discoveries. *A version, with variations, of C.S.P. 1699, No. 967. Endorsed*, Reed. 4th, Read 13th Aug., 1719. 13½ pp. [C.O. 5, 1265. No. 128].



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[Aug. 4.] **350.** Mr. Dummer to [? Council of Trade and Plantations]. *Memorial upon the boundaries of Nova Scotia.* The French have encroached upon us by erecting fishing stages at Petty Canso, for even if we should admit, what the French have lately invented, that the Gut of Canso is the little mouth of the Bay of St. Lawrence, it would not give them a title to Petty Canso, this not being in the Gut, but making it *etc.* *Signed,* Jer. Dummer. *Endorsed,* Reed. Read 4th Aug., 1719. 1 p. [C.O. 5, 867. No. 43].
- Aug. 4.  
Whitehall. **351.** Mr. Delafaye to the Council of Trade and Plantations. *Encloses* following from Col. Stanhope, H.M. Minister now with the French Army, by command of the Lords Justices, *etc.* You are to report how far you find they may have a foundation for this demand, and how far it may be proper to comply *etc.* *Signed,* Ch. Delafaye. *Footnote refers to Representation,* "transmitted to Mr. Secretary Stanhope, 21st March, 1715, but nothing more done on it." *Endorsed,* Reed., Read 5th Aug., 1719. 1 p. *Enclosed,*
- 351 i. Extract of letter from Col. Stanhope to Mr. Secretary Craggs. Enclosing following *etc.* Aug. 4th (N.S.), 1719. 1 p.
- 351 ii. Extract of Memorial presented by the States of Guipuscoa to the Duke of Berwick at the camp before St. Sebastian. 5th Aug. (N.S.), 1719. Refer to Treaty of Utrecht, and request to be confirmed in freedom of fishing in the ports of Placentia and Newfoundland, "of which the ancestors of the Province were the first discoverers," *etc.* *Spanish.* 1 p. [C.O. 194, 6. Nos. 66, 66 i., ii; and (*without enclosures*) 195, 6. p. 509].
- [Aug. 4.] **352.** (a) M. de Pontchartrain to M. de Costebelle. Order to evacuate Placentia. Sept. 29, 1713. *Copy.* 1 p. *Endorsed,* Reed. Read 4th Aug., 1719. 1 p.
- (b) Order by the French King for the surrender of Placentia *etc.* Sept. 29, 1713. *Copy.*  $\frac{1}{2}$  p. [C.O. 194, 6. Nos. 64, 65; and 195, 6. p. 508].
- Aug. 4.  
Whitehall. **353.** Mr. Popple to Mr. Richd. Harris, *mercht.* Besides what my Lords Commissrs. have desired of you to-day, you would do a considerable service if you could give them any certain information that we were the first discoverers of Newfoundland, and particularly whether Sir Sebastian Cabot was not there before the Spaniards. [C.O. 195, 6. p. 510].
- Aug. 7.  
Whitehall. **354.** Circular letter from the Council of Trade and Plantations to Governors of Plantations on the Continent of America. It being necessary for H. M. Service and for

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the benefit of the Plantations, that the limits or boundaries of the British Colonies on the Continent of America, should be distinctly known and marked out, more particularly so far as they may border on the settlements made by the French or any Foreign Nation, we desire you to send us, as soon as you possibly can, the best informations you can get upon this subject, with respect to the boundaries of H.M. <sup>Province</sup> <sup>Colony</sup> under your Government, together with a chart or map, and the best accounts and vouchers you can obtain to support the same, more particularly with relation to any settlements that may have been made by the English on the frontiers towards the Lakes and mountains: You will at the same time inform us, whether the subjects of any foreign Prince have made any encroachment on the <sup>Province</sup> <sup>Colony</sup> under your Government, *etc.* [C.O. 324, 10. pp. 264, 265].

[Aug. 7]. **355.** Petition of William Gerrish of Mountserratt Esqr., to the Council of Trade and Plantations. *Encloses* list of sufferers and their losses by the invasion of Montserrat under M. Cassart, which he received from the President of the Council *etc.* "Mountserratt has ever since been in a very ruinous and sinking condition." *Prays* for their Lordships' good offices *etc.* *Endorsed*, Recd. Read 7th Aug., 1719. 1 p. *Enclosed*,

355 i. Account of losses of the several inhabitants of Montserrat from the invasion of 1712, sworn to by them. *Total*, £209,794 10s. 1d. 272 individual claims. *Same endorsement*. 6½ pp. [C.O. 152, 12. Nos. 147, 147 i.]

Aug. 7. **356.** Governor Lowther to the Council of Trade and Plantations. *Encloses* list of papers sent 30th May. *Continues*:—As I hope most of 'em have fallen under your Lordship's consideration before now, so I persuade myself you'll be of opinion that I've given no just cause of complaint either to Francis Sansa [=Lansa. v. 8th Jan., 1720. *Ed.*] the Portugueze (if any such person there be) or to the Society for the propagation of the Gospel *etc.* *Refers to Minutes of Council*. *Continues*: As the charges contained in Sansa's petition are only supported by the deposition of Jean Demoraçin a Portugueze Jew who was late master of the said ship *St. Louis*, and as Mr. Lascelles and I have (by our several depositions) denied those which relate to us, so I humbly conceive that the first thing considerable in this point is the character and quality of the accuser and accused *etc.* As to those facts in the Jew's deposition which are capable of being refuted by other evidences, it is done so substantially as to leave no room to doubt of his being perjur'd, if not suborn'd, *etc.* He positively swears that I tooke from him the licence that he obtain'd from Mr. Sharp

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to land his cargo and refit his ship, and that I tore the same in pieces. Now these facts I've not only deny'd upon oath, but Mr. Lassels to whom the said licence was directed did not only produce it before the Court of Errors on 14th April but also deposed that he received it from Demoracin on 9th May, 1715, and kept it in his own custody ever since *etc.* Nicholas Hope, Attorney at law, who was private secretary to William Sharpe, says the petition and order so produced is of his handwriting *etc.* and that the name Jean Demoracin is the handwriting of Demoracin, and the name William Sharp subscribed to the order is the handwriting of Sharp *etc.* Confirmed by Robert Warren, Attorney at law, and Blunt Sadler *etc.* He is also proved to be perjured in swearing that he was obliged by the Collector to consent to the shifting of a great part of his sugar from chests to hogsheads and that a great quantity was taken from him under colour of the shifting, for it is fully proved by the depositions of the Collector, John Hinton Landwaiter, and Blunt Sadler that none of the said Demoracin's sugars were shifted but by his own voluntary consent and orders, and it was all redelivered to him *etc.* It is above 40 months before any complaint was made of the pretended injuries *etc.* Notwithstanding all the noise and rant which William Walker, Priest Gordon, William Sharpe, the Trions, some of the Propagators of the Gospel, and other of there crew have made of it, yet neither the complainant nor any of the plotters against my reputation and fortune have yet served me with the preparatory order to bring the said complaint to a judicial determination made 12th March last by the Committee for hearing Appeals *etc.*, tho the execution and return of the said order is limited to six months from the date thereof. As I've great reason to believe that Priest Gordon and William Walker were the chief agents in contriving both Sansa's petition and Demoracin's affidavit against me, as also ye Society's most malieious and frivolous complaint, so I thought it proper to take notice in my defence of the scandalous and wicked attempt which Walker made some years ago against the father of Mr. Lillington the bearer hereof : Your Lordships will see by ye Grand Jury's last Address to the King (inclosed) that I'm not singular in my opinion of Mr. Walker. Sansa's petition is false and scandalous and contrived to git me recalled before I could make my defence, *etc.* Demoracin is a wretched perjured fool, *etc.* As to the mighty grievancees contained in the Society's petition to H.M., *etc.*, they amount to no more than my ordering their Attorney here to deposit their plantation bookes in the hands of the Deputy Secretary for the inspection of Mr. Cunningham, the Council and myself, *etc.* The occasion of my giving those orders was from a letter I received from one David Humpheryes Secretary to the Society, vizt.: The S.P.G. received a letter lately from Barbados, a copy of which they now communicate to you : the

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person who subscribed the letter is the Reverend Mr. Cuning-  
ham Incumbent of St. John's, *etc.* The letter contains a  
very high arraignment of the Society's proceedings and therefore  
they could not in honour and justice to themselves but acquaint  
you with this charge and beg the favour of you to cause such  
matters of fact as concern persons or things in Barbadoes to  
be examined in the proper method, *etc.* On the 7th April,  
1718 their Attorney's made application to me to examine the  
said allegations *etc.* From hence I conceive it was natural to  
suppose that the Society intended I should make a strict and  
impartial enquiry into the matters of fact *etc.* Now as this  
enquirey could not be impartially made with regard to Mr.  
Cunningham and the Society without the inspection of their  
books I could not discharge the duty of an honest man and  
the trust they had imposed upon me, being Mr. Cunningshame  
could not possibly make his defence without such an inspection,  
nor could their manager, agent, and Attorney's have been other-  
wise detected of the mismanagements, frauds and abuses which  
they now plainly appear to be guilty off. But this the Society  
in their petition to the King are pleased to call an oppression,  
and do alledge that the delivery of their books to the Deputy  
Secretary was very prejudicial and ruinous to their affairs and  
interest, in regard their Attorneys here had daily occasion to  
use the sd. books papers and accounts; and that there Attor-  
neys were thereby deprived of the rules, orders and directions  
they had received from the Society for the managment of  
their affairs. In answer to these honest, wise and weighty  
alligations, I affirm (i) that their was not one order, rule or  
direction from the Society entered in the sd. bookes which  
were delivered to Mr. Lenoir *etc.* (ii) As to the prejudice sus-  
tained, I must confess it was very considerable, being their  
agents *etc.* could not proceed in keeping their accountes whilst  
their day-book, journal, ledger, and invoyee remained in the  
hands of Lenoir without being at the expence of purchasing a  
whole quire of paper to make a new day-booke for the interim  
*etc.* (iii) As to their desiring the King to give them such  
redress as may effectually secure 'em from such oppressions  
of me, or any other Governour for the future, I chearfully and  
heartily submit to it, if for the future they'l give the world  
no just occasion to arraign their conduct, and enter into sufficient  
security, for the honest and faithfull discharge of their trust  
to the publick. On 12th March the Committee for hearing  
Appeals *etc.* made the same order on the Society's complaint  
as they did Sansa's complaint, but neither the agents or attorneys  
of Sansa or the Society have yet served them upon me *etc.*  
Encloses resolution of Council and Assembly in relation to  
parson Gordon. I have a great deal to say upon this head,  
and of the ill usage I have received from the Bishop of London,  
but as I've been already so very troublesome, I shall reserve

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it to another occasion. I also forbear to acquaint your Lordship's of the transactions of the French at St. Lucia, being Mr. Lillington knows the whole story of it, and can give you as good an account thereof as I can pretend to do *etc.* *Signed*, Rob. Lowther. *Endorsed*, Reed. 19th, Read 21st Oct., 1719. 4 large pp. *Enclosed*,

356 i. Address of the Council and Assembly of Barbados to the Council of Trade and Plantations, 21st July, 1719. *Return* thanks for their just and candid report on their petition against the erecting a spirituall Court in that Island. "Innumerable are ye ills wee must suffer should that Court be ever established" *etc.* *Signed*, John Colleton, Jno. Frere, Tho. Maxwell, Tho. Maycock, Guy Ball, John Lucie Blackman, Will. Carter, Fra. Bond, Edmund Sutton, Speaker. *Same endorsement.* 1 p.

356 ii. Proceedings of the Court of Grand Sessions of Barbados, June, 1719. pp. 1-13. Bills of indictment and sentences in several cases recorded. pp. 14 ff. Addresses and presentments of the Grand Jury:— (a) Address of the Grand Jury of Barbados to the King. 9th and 10th June, 1719. *Express* abhorrence and detestation of Pretender's design to invade England, and in conjunction with the bigotted Spaniard to destroy the best and most beautiful Constitution in the world *etc.* Numberless are the blessings we have reced. from your Majesty's goodness. 'Tis to that we owe the continuance to us of our excellent Governour who upon all occasions has shewn his inviolable zeal and attachment to your Majesty's service and by his prudent and just government here has endeared himselfe to us. *Have heard* with sorrow of the false insinuations of his enemies against him, intended to deprive them of his wise and gentle administration, *etc.* *Continue*: We have just cause to believe that Mr. Walker late of our Island has been a chief Agent in the raising, contriving and carrying on the late scandalls against our Governour and in framing and prosecuting the petition of one Sansa *etc.* Walker hath formerly been guilty of the like scandalous practices in this Island, and hath hitherto escaped the hands of justice, notwithstanding addresses by two successive General Assemblies *etc.*, upon wch. he went off for Great Britain and there obtained her late Majesty's order for a noli prosequi; But wee hope from your Majesty's goodness and justice he will at last have the reward due to his crimes, *etc.* *Signed*, John Nurse, Richard Eaton, Pingston Murphey, Christopher Bryan, Robert Ayshford, John Carleton,

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Thomas Blunt, John Walke, Samuel Nusum, Lewis Cutting, John Dotin, John Terrill, John Earle, Stepn. Gibbes, John Martindale.

(b) (c) Copies of Addresses of Assembly, 6th Jan., 1708, and 11th April, 1709, referred to in preceding.

(d) Address of the Grand Jury to Governor Lowther, 9 and 10th June, 1719. *Return thanks* for his wise and just administration. Earnestly press H. E. to continue to protect them against the establishment of an Ecclesiastical Court, the very name of wch. is as odious, as the constitution of it would be pernicious to the inhabitants. *Denounce* malice of enemies who have brought false accusations against him for opposing the erecting that Court. *Return thanks* for making that most just and necessary enquiry into the abuses committed by the Agent here in the noble and munificent donation of General Codrington *etc.* *Beg* H. E. to use his interest at home to prevent any further imposts upon the produce of the country. *Conclude:* Your Excellency found us unhappily divided among ourselves, and full of heart burnings rancour, and resentments, you have heal'd our divisions, and brought back peace, concord and mutual benev'lence among us. 'Tis to your Excellency that we owe that the odious names of faction and party are no more, that Justice flows in a free and constant course *etc.* By these honest arts you are become dear to us and a necessary part of our happiness *etc.* *Signed as (a).*

(e) Address of the Grand Jury to George Lillington, C.J. Commend his prudence, justice and knowledge *etc.* *Refer* to the patriotism of his persecuted father *etc.* *Same signatures.*

(f) Presentments of the Grand Jury, 9th and 10th June, 1719. (i) Pray that all laws against immorality and prophaneness may be strictly put in execution. (ii) Several donations for erecting publick schools *etc.* have been scandalously ill managed and mis-applied. *Pray* that diligent inquiry may be made into all publick charitys, and that they may be applied to the ends for which they were intended by the donors, the want of publick schools for the education of youths being in great measure the cause of the present corruption of manners. (iii) The badness of the roads, highways and bridges throughout this Island, and the ill condition of the streets, alleys and wharfs in Bridge Towne, often complayned of by former Grand Jury's have not as yett been remedied. (iv) The Judges of the respective Courts of Common

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Pleas had by an ancient law of this Island the nomination of their own Marshalls, but that law was repealed (v. 1709), and the marshalls of all the Courts vested in the Provost Marshall, in consideration that he was obliged to keep a good goal. *Pray* that he may putt and keep the publick goal in good repair. (v) A clandestine and illegall trade has of late been carryed on by severall ill disposed persons, between this Island Martinico and St. Lucia and negroes and other slaves have of late been frequently stolen and shipt of this Island. *Pray* that such trade may be stopped and application made to H.M. that the ships of war attending this station may be put under such regulations that they may become serviceable thereto, and that proper punishmts. may be inflicted upon the stealors of negroes. (vi) That the laws against forestallers, ingrossers and regrators be put in due execution. (vii) That the exportation of provisions from the Island when in demand, and the importers can gain a reasonable proffit may be prevented. (viii) That the granting of petty licences by two Justices of the Peace, may be regulated and restrained, the number of hucksters and punchhouses being very much increased of late to the great damage of the inhabitants and to the encouragment of vice and immorality, etc. *Same signatures. The whole endorsed as covering letter.* 30 $\frac{1}{4}$  pp.

- 356 iii. List of papers following. Certified as true copies. *Signed*, Rob. Lowther, John Lenoir, Dep. Sec. 4 $\frac{1}{2}$  pp.
- 356 iv. Minutes of Council of Barbados, 21st July, 1719. Minutes of Assembly, 17th July, were sent up and read including unanimous resolutions that the character of Mr. Gordon given by H.E. is just and true; that he erected a spiritual Court without any legal authority or precedent, and that such Court will clash with the municipal laws, embarass the Government, vex and torment the gentry, depauperate the substantial freeholders, and ruin the common people etc., etc. *Addresses voted etc. Copy.* 14 $\frac{1}{2}$  pp.
- 356 v. Letters from the Agents of Barbados (? to the Committee of Correspondence) relating to Mr. Gordon's petitions etc. Whitehall, 24th March, 171 $\frac{1}{2}$ . *Signed*, Jo. Micklethwait, John Lloyd, Geo. Bamfield. *Copy.* 2 pp.
- 356 vi. Petition of Agents of Barbados to the King, against the erection of an ecclesiastical Court by Mr. Gordon, with H.M. reference of same, 3rd Sept., 1717. *Copy.* 2 pp.

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- 356 vii. Governor Lowther to the Bishop of London, 26th April, 1717. Relating to Mr. Gordon. *Copy.* 3 pp.
- 356 viii. Representation of Council of Trade and Plantations, 17th Oct., 1718. *Copy.*
- 356 ix. Petition of Rev. W. Gordon to the King that some short day be appointed for hearing the complaint preferred against him by the Agents for Barbados *etc.* *Copy.* 1 p.
- 356 x. Order of Committee for hearing appeals, 12th March, 1718. Above petition dismissed, the complaint referred to not being before the Board. *Signed,* Edward Southwell. *Copy.*  $\frac{1}{2}$  p.
- 356 xi. Petition of Rev. W. Gordon to the King. *Duplicate of enclosure, 15th March, 1719.*
- 356 xii. Rev. W. Gordon to Governor Lowther. Encloses copy of licence from Bp. of London for his coming to England. April 24, 1718. *Signed,* W. Gordon. *Copy.*  $\frac{1}{2}$  p.
- 356 xiii. Bishop of London to Rev. W. Gordon. Grants permission to come to London—"The reasons you have given me . . . are such as I cannot but approve" *etc.* Somerset House, Feb. 11, 17 $\frac{1}{2}$ . *Signed,* Joh. London. *Copy.*  $\frac{1}{2}$  p.
- 356 xiv. Deposition of John Lenoir, Deputy Secretary of Barbados. 21st July, 1718. About 3rd inst., at the Barbados coffee house door, deponent, by the Governor's instructions, informed Mr. Gordon that, contrary to the publick report, he did not intend to hinder him from going off the Island, if he should obtain a ticket as the law directs. Gordon said he would do so and desired deponent to put up his name in the Secretary's office *etc.* *Signed,* John Lenoir. *Copy.* 1 $\frac{1}{4}$  pp.
- 356 xv. Minutes of Council of Barbados, 15th July, 1718. Upon information received, H.E. issued a notification denying the report that the Rev. W. Gordon had been refused a ticket to sail except under a bond of £10,000; and that H.E. had ordered his sloop not to sail *etc.* *Copy.* 1 $\frac{1}{2}$  pp.
- 356 xvi. Deposition of Dr. Thomas Stokes. 5th Dec., 1716. About 24th Sept., 1706, as deponent sat at dinner at the house of Mrs. Sarah Quintyne, Mr. Gordon, Minister of ye Parish of St. James, came in and sat down at the table. After a little while he called two or three negroes about him, and whispered to them, and then sent them away. After this, he said that the goun and cassoek were a troublesome wear, and so threw his goun by, and I taking notice of the



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indecencey told him if they were so he ought to put on another garb. After this his deportment seemed civill toward me shaking me by the hand and drinking my health *etc.* But waiting at the door for me afterwards, he shewed me a paper, and asked whether that was my hand. I told him it was. He desired me to walk along with him. I told him I would where he pleased, and talking with him in relation to the challenge he sent Mr. Slingsby, I told him I could not in honour treat with him on what he might charge me with till he had first returned the blows that Mr. Slingsby gave him at ye hole for not giving him a meeting according to his own challenge, and then I would be at his service *etc.* He urged me further, and I told him 'twas better for him to throw off his cassock and put on a red coate, and looking behind me I saw many negroes following and spectators. I asked Mr. Gordon what he meant by talking so loud, and by making such gestures wth. his arms for that he would raise a tumult about us, and being comd to ye waterside at ye back of ye Councel house, he appeared to be convinced by what I had offered him on what he had charged me with, and gave me several friendly expressions, then he whipt out a pocket pistoll and instantly coekt it and clapt it hard to my breast, wth. this expression, Damn yee, I'll shout you through ye breast. I called him villain and asked him whether he designed to murder a naked man, and elaped my hand upon ye barrel, weh. being short and smooth he slipt it out of my hand and nimbly retreated about five paces and presented the pistol a second time swearing *as before etc.* He called for his sword which his negroe delivered into his hand, and bid me draw and struck me with his cane, weh. I returned with my cane, and about this time we were parted, *etc.* Next day, deponent met him in the street tossing bullets to and fro in his hand threatening he would shout Mr. Slingsby through the head wherever he met him, *etc.* Signed, Thos. Stokes. Copy. 1½ closely written pp.

- 356 xvii. Deposition of Francis Eginton, 26th Oct. 1706. Standing at the door of Mr. Irish's house in the Hole Town, deponent saw Arthur Slingsby come to Mr. Gordon and ask him to speak with him. Gordon answered yes, and walked with him a little, and then Slingsby caned him, *etc.* Afterwards Gordon put up a paper on Irish's door. Slingsby took it down and caned him again. Signed, Francis Eginton. Copy. 1 p.

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- 356 xviii. Deposition of Capt. Kingston Townesend, 26th Oct. 1706. Arthur Slingsby told deponent he had beaten Parson Gordon once, and would beat him again. Deponent said you had better let him alone, for yt. he carryed pistols in his cassock, *etc.* *Signed, King Townesend. Copy. 1 p.*
- 356 xix. Deposition of Rev. Wm. Gordon, 26th Oct. 1706. On 16th Sept. he met Slingsby at Saml. Irish's house (*v. No. xvii*), who said, "Have you considered the impudent letter you sent me, to which deponent answered, Why did you not meet me; Slingsby answered, importing that he did: and thereupon said Damn you, you are a raseall, and immediately struck him over his head wth. a large cane. Deponent endeavoured to close in wth. him, Slingsby clapt his hand to his sword, upon which deponent retired and stoopt down to look for a stone. Slingsby advanced and struck him again with his cane, upon which deponent was forced to retire into Irish's house. *Signed, Willm. Gordon. Copy. 1 p.*
- 356 xx. Bishop of London to Rev. Mr. Ramsay in Barbados. Fulham, Feb. 20, 1706. *Instructs him to enquire into an account he has seen of Mr. Gordon assaulting a gentleman there in a brutish and lewd manner, etc.* If the matter appears notorious, I would desire you would git some Justice of the Peace take ye affidavits of witnesses and meantime to admonish him to stand suspended till he shall hear further. Indeed, if the matter of fact be so bad, as it is related, it would be very well, if the Island could be made too hott for him, *etc.* *Signed, H. London. Copy. 1 p.*
- 356 xxi. Address of Council of Barbados to Governor Lowther. Congratulate his return and complain of Mr. Sharpe's displacing magistrates and packing the Assembly in his absence. Propose that a new Assembly be elected, *etc.* 9 signatures. *Copy. 1 p.*
- 356 xxii. Charge to the Grand Jury by Thomas Maxwell, Chief Judge of the Court of Grand Sessions, June, 1715. Directs them to enquire whether prevalence of offences is not due to ill examples of some of the clergy, *etc.* *Copy. 1 p.*
- 356 xxiii. Address of the Grand Jury to Thomas Maxwell, in his praise. 14-16th June, 1715. *Signed, Francis Wilse, Fras. White, William Wilcox, Robt. Ayshford, John Parks, Edward Chiles, Hill. Rowe, William Jeeves, William Arnoll, Jno. Chase, Haba. Sear, Richd. Dowell, John Carleton, Saml. Gittens, John Milles junr. Copy. 1 p.*

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- 356 xxiv. Address of the *Same* to the King. We esteem it the highest instance of your Majesty's favour to us that you have appointed Robert Lowther to be once more our governour, *etc.*, and Mr. Micklethwaite Secretary *etc.* *Express* inviolable loyalty, *etc.* *Copy.* 1 p.
- 356 xxv. Address of *Same* to Governor Lowther. Congratulate him on his restoration to the Government. The happiness and tranquillity we formerly enjoy'd under your Excellency's wise and impartial administration, had sufficiently endeared your Excellency to ye inhabitants of this Island, but the many grievances and oppressions weh. we have since labour'd under during ye laste presideneye of Mr. Sharpe have more sensibly convinced us of ye value and esteem weh. we ought to entertain for your Exceleey., *etc.* *Complain* of Mr. Sharpe as in No. xxi. *Copy.* 1 p.
- 356 xxvi. Presentments of the Grand Jury of Barbados, to C. J. Thomas Maxwell, 14th-16th June, 1715 : (i) We pray that the laws made against immorality and prophaness be strictly put in force and that all incouragement be given for ye education of youth in learning and religion. (ii) That the concourse of negroes in the several towns on the Sabbath day be suppress'd, that watches be regularly kept, *etc.* (iii) That an Act may speedily pass for ye efectual repairs of ye publick highways and warfs, for paving the streets of ye town of St. Michaels, and for the rebuilding the Indian bridge *etc.* (iv) That the publick goal may be render'd more firme and substantial *etc.* (v) Regulation of the Militia and inspection of magazines and fortifications. (vi) A settlement of the Court of Exchequer. (vii) Ascertainment of fees, and efectual provision made against the great abuses committed by the Marshalls of the several Courts. (viii) That a review be taken of the Acts relating to the detinue of negroes and forcible possessions, and for conveying of estates, the many deficiencies therein having given great disquiet *etc.* (ix) That a law be made to oblige such persons who have sons or daughters and not sufficient estates to maintane them reputably, to put them out apprentices to handycraft trades, and other honest imployments, and that where the parents are not able to do it, ye respective parrishes where such children inhabit may be obliged to put them out apprentices in a proper and decent manner within some limited time, weh. may be of great service in preventing idleness, *etc.* (x) That an Act be speedily pass'd to encourage

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ye bringing in of white servants for ye better strengthening the forces, and manuring ye waste lands, and also that proper means be taken to incourage ye settlement of tennants on Militia, for that they having generally familys are the more likely to be zealous in defence of the Island. (xi) That a strict examination be taken of all publick donations and a report thereof made to the Government, in order to ye redressing such abuses as have been committed therein, so much to the dishonour of our country and to ye obstruction of charity. (xii) Many years experience having convine'd us of ye great advantages we have reaped by the printing our laws, but some of them being now repeal'd others alter'd and several additions made to them, and also many new laws having been since enacted, we humbly offer that a judicious review be taken of all our laws, and that a compleat collection of them be carefully made, in order to a new impression of them for ye publick good. (xiii) Whereas there has been oftentimes and very lately great numbers of horses and asses sent off this Island to Martineco and other French Collonys, we do therefore present this as highly injurious and destructive to ye inhabitants of this Island in ye culture of there lands; and of the greatest benefit and advantage to ye French: and do pray that some speedy remedy be found to putt a stopp to this pernicious trade by severely punishing ye offenders. Lastly, we intirely agree wth. yr Honour, that the ill examples of some of the Clergy have in great measure contributed to the vices and offences weh. of late have been praetic'd among us. We do therefore humbly represent it as the most efectual means to amend the morals of the people that proper methods be taken to prevent the misbehaviours of the Clergy, and particularly that they may be restrained from intermedling in matters of politicks and trade, which are so foreign to ye designes of their holy function. *Signed as No. xxiii. Copy. 2 pp.*

356 xxvii. Governor Lowther's speech to the Assembly. *Copy. 1½ p.*

356 xxviii. Address of the Council and Assembly of Barbadoes to the King. 5th July, 1715. Congratulate his happy acceesion to the Crown *etc.*, and return thanks for delivering them from the intollerable government of the president and for sending Governor Lowther

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*etc. Signed*, Isaac Lenoir, Clerk of the Council; William Grace, Clerk of the Assembly. 1 p.

- 356 xxix. Address of the Assembly of Barbados to Governor Lowther. 28th June, 1715. Express grateful sense of benefits formerly received by his wise and just administration and join in welcoming H.M. accession and H.E.'s return. Will endeavour to restore the credit of the Island and enquire into the debts contracted under Mr. Sharpe. Agree with Grand Jury as to evil example of some of the Clergy. Mr. Gordon leaves his benefice several weekes together, and from time to time goes to Martinique, a popish country and there trades, and brings from thence great quantities of contraband goods, such as brandy and French wines, and in a publick store in St. Michaels town sells the same, this with his playing at dice in publick tavrons, and in publick company till midnight, and seranading with fiddles from house to house the greatest part of a night together, with his being a principal promoter of our late unhappy differences and divisions, we think no small scandal to the Church and Religion we profess. *Pray* H.E. to take such measures as may prevent the Ministers of the Island from meddling with matters of politicks *etc. Signed as preceding.* 1 $\frac{3}{4}$  closely written pp.

- 356 xxx. (a) Rev. W. Gordon to Governor Lowther. Replies to Nos. xxii., xxvi. and xxix. 14th July, 1715. In 1701 I was sent by the late Bishop of London to supply a vacant parish in this Island *etc.* The Act which I procured under Sir B. Granville *for the better encouragement of the clergy*, providing each rector with an annuity of £150, rescued them from servile dependance upon the Vestries and provoked the malice and revenge of those who had, till then, so lorded it over them *etc.* My soliciting that law has ever since been called a meddling with politicks, and my friendship for the Church's benefactors a siding with a party, and the minister who exerted his liberty traduced as proud and insolent. This resentment sculked in private till 1712 when the clergy were publickly attacked. Col. Cleland going to London was applied to by the clergy to interpose to procure houses and glebes for such as wanted them. Thereupon Mr. Maxwell, then a member of the Assembly, prevailed with that house to agree to some resolves highly reflecting upon us. At the same time a rumor that the clergy had imploy'd Col. Cleland to solicit for ye tythes of every man's estate was so industriously

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spread abroad that it was firmly believed in spite of our most solemn protestations, and occasioned indignation which has not yet been got over *etc.* Mr. Maxwell (v. xxii) made choice of a Grand Jury, many of them mean persons and mechanicks, and one of them a few weeks before punished for living in open adultery, who made a presentment in accordance with his charge (*Nos.* xxii, xxvi). I protested in the pulpit against such false accusations, and was threatened that some would waylay and beat and destroy me. Mr. Maxwell was so farr inrag'd that at the next sitting of the Assembly he procured the addition of a clause to their Address to H. E. repeating the sd. accusation of the Grand Jury and decending to some particular aspersions against me (*No.* xxix). If these charges were true, as they are not, in the invidious manner represented, yet not one of them is essentially vicious or immoral *etc.* I have been 14 years Minister in this Island and challenge any man to prove that I have been guilty of vice, immorality or profaneness *etc.* It is a real encomium that so little has been found to find fault with. Has been the mediator and composer of many quarrels *etc.* Signed, W. Gordon. *Subscribed,*

(b) Certificate by the Vestrymen of St. Michael's that Mr. Gordon is a gentleman of sober life and conversation, an excellent preacher and universally beloved and esteemed by all his parishioners *etc.* Signed, Saml. Cox, Wm. Kirkham, J. Durousseau, H. Hall, Hen. Peers, Alex. Cuninghame, A. Skene, Thos. Dinning, Edwin Carter, Wm. Charnley, Wm. Cogan, Patrick Thomsone, Jno. Lane. 5 pp.

- 356 xxxi. Thomas Maxwell to Governor Lowther. *Reply to preceding.* My charge was directed against *some* of the clergy. The Rev. Gilbert Ramsay, Minister of my parish, will prove that I am a steadfast member of the Church of England *etc.* If the Bishop of London were to see Mr. Gordon, after hearing him preach in the forenoon upon the Lord's day, spend the remaining part of that day in climbing trees, swinging from one limb to another and using such postures and actions as I have seen him guilty of not long since, his lordship would think it a very unseemly and unbecoming sight in a clergyman, further if his lordship was to see him make it his business to be at publick cockfights where generally the most profane oaths and curses are made use of, and there spend his time in laying wagers on ye cocks *etc.*, and after this to appear in

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a publick tavern and there play at dice untill midnight (which is his common practice), and find him throw off his ministerial habit and take upon him a layman's dress, and both marry and baptize in the same, and leave his parish for many weeks together even in lent time, to go trading to Martinique amongst the Jesuits and popish priests and merchants there, contrary to the laws of England, no doubt he would judge these things to be ill examples, and if he was to hear the report spread over the Island of Mr. Gordon's frequent going to mass in the mass houses in Martineco, and find how little notice he has taken to clear himself of such an aspersion, his lordship no doubt would think he gives the world reason to believe him guilty and that if he stirr'd he would stink worse. He did not first come to Barbados with an affidavit by the Bishop of London as he suggests. He was first brought to this Island as a covenanted servant, then became Usher to the school kept by Rev. Mr. Callow. During that time he was taken eavesdropping at the house of Major Christopher Webbs and tossed in a blanket for such his crime. He then went to London with a letter of recommendation to the late Bishop of London *etc.* and returned with the recommendation the Bishop usually gives to all Ministers coming to the Plantations. I do not believe he's had any part in the law for encouragement of clergy except as scrivener. There was a law passed before he was born regulating a convenient maintenance for the clergy, and hardly any minister who behaved tolerably well but generally had upwards of £150 from their parishes before the making of that law, *etc.* What designs he had in serving the Church and his benefactors when he left his parents and went down to Antegua and there broke open ye goal door and let out several gentlemen confined by General Parke is beyond my finding out ; but I am very well assured that his closeing ye powle against Coll. Maycock and Coll. Terrill when he acted as Sherife in ye parish of St. Lucies before he tooke one half of there legall votes, and declaring after he had so done that he had shewn ye said Maycock and Terrill a trick they little dream'd of, and his bringing a seditious paper from ye late Coll. Christopher Codderington and laying ye same before ye General Assembly weh. was in Mr. Crows Government, and also his dilligence and industry in procuring votes upon all elections of Representatives and especially upon the late election in President Sharp's government plainly shews how busie he has been in premoting our unhappy differences.

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- His taking upon him to marry Capt. Peter Mascoll to his late wife's own sister's daughter, after Dr. Ramsay the Minister of their parrish had refused a considerable sune of money to do the same, plainly makes him appear to be a man that will stick at nothing, *etc.* *Refers* to the ill language uttered by Mr. Gordon against himself and the Grand Jury in his pulpit. *Continues*: I understand he has denyed to your Execelley., notwithstanding some hundreds of persons that heard him can prove it *etc.* I took it for granted the Jury were all fitly qualified *etc.* If one of them has been guilty of loving another man's wife, it is what I did not know, but the world has done Mr. Gordon a great deal of injustice if he hath not been guilty of the same thing *etc.* *Signed*, Tho. Maxwell. *Copy.* 5½ *closely written pp.*
356. xxxii. Mr. Gordon to Samuel Husbands, 8th July, 1715. Protests against his having signed the Address of the Assembly (No. xxix.) *etc.* *Signed*, W. Gordon. *Copy.* 1¼ *pp.*
356. xxxiii. Proceedings of the Vestry of St. George's parish, 12th Oct., 1713, protesting against the frequent absence of Mr. Gordon, whereby infants have died without baptism and the dead been buried without any minister *etc.* *Copy.* 1 *p.*
356. xxxiv. Deposition of Capt. Thomas Carew. 4th July, 1715. Deponent heard Mr. Gordon betting at a cock-fight in the Fort at Oistin's towne, and on two occasions saw him win money at dice in a public tavern. *Signed*, Thos. Carew. *Copy.* 1 *p.*
356. xxxv. Deposition of Capt. Richard Callender. 4th July, 1715. Corroborates preceding. *Signed*, Richd. Callender. *Copy.* ¾ *p.*
356. xxxvi. Deposition of Capt. Hillary Rowe. 14th Sept. 1715. Deponent saw Mr. Gordon very drunk at Madam Mary Lambart's house *etc.* *Signed*, Hill. Rowe. *Copy.* ½ *p.*
356. xxxvii. Deposition of John Roberts, sexton, Christ Church. 8th July, 1715. Last Feb. Mr. Gordon preached in the absence of Mr. Gilbert Ramsay. After the sermon he rode away, without administering the sacrament to those who were waiting to receive it *etc.* *Signed*, John Roberts. *Copy.* 1 *p.*
356. xxxviii. Deposition of Stephen Prince, Clerk to the parish of Christ Church. *Corroborates preceding.* *Signed*, Steph. Prince. *Copy.* ½ *p.*
356. xxxix. Deposition of Christopher Webb. 3rd March, 1718. Mr. Gordon was usher to Mr. Callow's school *etc.* *Signed*, Christo. Webb. *Copy.* 1 *p.*



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356. xl. Deposition of John Clarke. 3rd March, 1717. *Corroborates* preceding and that Gordon was tossed in a hammock for eavesdropping (No. xxxi.) *Signed*, Jno. Clarke. *Copy.*  $\frac{1}{2}$  p.
356. xli. Deposition of Joshua Graves. 15th Sept. 1715. Released from imprisonment at Martinique, he endeavoured to purchase a parcel of brandy there, but was informed that it was laid by for Mr. Gordon, whom he saw there, *etc.* *Signed*, Joshua Graves. *Copy.*  $\frac{3}{4}$  p.
356. xlii. Deposition of Major Christopher Webb. 20th July, 1715. When his daughter was dying, he sent for Charles Irvine, minister of St. Phillips, to pray with her. He did not come till about 9 p.m., and then refused to see her, though he stay'd in the house the drinking a cup of punch, and the smooking two or three pipes of tobacco. *Signed*, Christo. Webb. *Copy.*  $\frac{3}{4}$  p.
356. xliii. Deposition of Christopher Bryan. 20th July, 1715. On Sept. 26th, 1714, after waiting all day for the Rev. Charles Irvine to officiate and preach a funeral sermon, he was obliged to bury his mother-in-law, Elinor Poor, without any ceremony according to the rights of the Church of England. *Signed*, Christopher Bryan. *Copy.*  $\frac{1}{2}$  p.
356. xliv. Deposition of Capt. William Hart. 20th July, 1715. When Mr. Sharpe, the President, had dissolved the Assembly, Mr. Irvine told deponent he would prevent him having a new one, for the writ would come to his hands and he would put it in oblivion. *Signed*, Wm. Hart. *Copy.*  $\frac{1}{2}$  p.
356. xlv. Deposition of Capt. Thomas Mapp. 20th July, 1715. In Jan., 1712 at an election for the vestry of St. Phillips, the Rev. Charles Irvine inserted the name of Robert Hilliar in the poll. Hilliar declared he did not vote. Irvine said it was better one man's name should be entered then there should be no vestry, *etc.* *Signed*, Thos. Mapp. *Copy.*  $\frac{1}{2}$  p.
356. xlvi. Deposition of Lt. Col. John Price. 20th July, 1715. Has often seen Mr. Irvine drink bumpers of Madera wine and punch, press others to do the same, drunk and very much in liquor, *etc.* *Signed*, John Price. *Copy.*  $\frac{1}{2}$  p.
356. xlvii. Deposition of Robert Hilliar. 20th July, 1715. *Corroborates* xlv. *Signed*, Robert Hilliar, *his mark.* *Copy.*  $\frac{1}{2}$  p.
356. xlviii. Deposition of John Leighten. 22nd July, 1715. Deponent lived with the Rev. Charles Irvine and John Cowley for 12 months. Cowley ordered him to drive

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- several beasts into his house, and several negroes which used to work in common between Irvine and Cowley to go into the sd. house. Soon after Irvine came to the plantation with John Heywood, marshall to the bank, with an execution to be levied. Irvine, Heywood and Cowley dined together under a tree some small distance from the dwelling house in wch. the negroes and cattle were locked up. *Signed*, John Leighten. *Copy.*  $\frac{3}{4}$  p.
356. xlix. Deposition of William Grace. 8th April, 1718. Mr. Gordon informed deponent of his commission from the Bishop of London to act as Commissary. About two days before he held his Court, he asked him to act as Apparitor, and Nicholas Hope, his Register, gave deponent several writs requiring him to cite the persons therein named before Mr. Gordon as Commissary at the usual Court House on Egginton's Green. Several appeared on 25th Oct., 1716, when Mr. Gordon's commission was published *etc.* *Signed*, William Grace. *Copy.*  $1\frac{1}{4}$  p.
356. l. Parson Gordon's lease to Thomas Carney for glebe land in St. Michaels, 5th March, 1717. *Signed*, W. Gordon. *Copy.* 2 pp.
356. li. Proceedings of the Vestry of St. Michaels, 1st May, 1712—31st Jan. 1717. *Copy.* 1 p.
356. lii. Bishop of London to Governor Lowther. 3rd March, 1714. Recommends the bearer, Mr. Langton, for one of the vacant parishes in Barbados. *Signed*, Joh. London. *Copy.*  $\frac{1}{2}$  p.
356. liii. *Same to Same.* Somerset House. 15th Nov. 1715. Recommends Mr. Langton for the Parish of St. Joseph, which, since preceeding was written, he learns that Mr. Wharton is willing to resign, he having another living there, *etc.* *Signed as preceeding.* *Copy.*  $\frac{1}{2}$  p.
356. liv. *Same to Same.* Somerset House. 21st Jan. 171 $\frac{5}{6}$ . The bearer Mr. Acourt is recovered of the disorder he was under, and therefore I have sent him again with a licence to supply any living you shall please to assign him *etc.* I recommend him to your favour and protection *etc.* *Signed as preceeding.* *Copy.*  $\frac{1}{2}$  p.
356. lv. *Same to Same.* Somerset House. Feb. 14, 171 $\frac{7}{8}$ . Requests him not in any way to obstruct Mr. Gordon in the execution of the office of his commissary, "to which he is appointed with such restrained powers as your instructions require, and is not a new officer but succeeds Mr. Beresford. My next request is, that your preffer to ecclesiastical liveings such ministers as have my licence and testimonials and none else, as also that you do the same in respect of school-

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- masters, and in case you find cause to reject any such, to give me notice thereof," etc. *Signed as preceding. Copy.*  $\frac{3}{4}$  p.
356. lvi. *Same to Same.* Fulham. 7th Nov. 1717. On the appointment of a commissary, etc. *Signed as preceding. Copy.*  $1\frac{1}{2}$  pp.
356. lvii. *Same to Same* Fulham. Sept. 25, 1717. The bearer Mr. Napleton comes to be assistant to Mr. Gordon, etc. *Recommends him to his protection and favour, etc. Signed as preceding. Copy.*  $\frac{1}{2}$  p.
356. lviii. *Same to Same.* Somerset House. Jan. 18, 1717. The bearer Mr. Deucher returns to Barbados in order to supply any vacancy that shall happen in the Church and brings with him my licence for that purpose, etc. *Recommends him to his favour and protection. Signed as preceding. Copy.*  $\frac{3}{4}$  p.
356. lix. Deposition of Jane Addison, formerly wife of Joseph Curtis. 15th March, 1717. She heard her husband say that his brother Nathaniel Curtys did contract with William Gordon in England to come to Barbados to be a tutor to him, and that he was so mean a person both in body and habit that he utterly despised him, and would not be tuter'd by him. *Signed, Jane Addison. Copy.*  $\frac{1}{2}$  p. [C.O. 28, 15. Nos. 54, 54 i.-lix. ; and (without enclosures) 29, 14. pp. 23-35].

Aug. 11.  
Virginia.

**357.** Lt. Governor Spotswood to the Council of Trade and Plantations. *Acknowledges* letter of 9th April, and will take the security required when Mr. Hart shal make use of his licence of absence etc. *Continues* : I should have been glad such a licence had come for myself that I might ease yor. Lordps. of the trouble of Mr. Byrds impertinent memorials, and myself of the disadvantage of defending my character against the calumnys of a person who durst not offer to my face, what he now so confidently affirms, under the security of a thousand leagues distance, etc. *Replies to his memorial* (v. March 24, 1719.) *of which he has seen a copy.* " Mr. Byrd having nothing to object against the plan of accommodation, which I offered to his Party, and they scornfully rejected, craftily insinuates that yor. Lordps. authority is necessary to oblige me to a compliance with my own proposal " etc. *Repeats case of Oyer and Terminer Courts etc.* *Continues* :—Dec. 8th 1715 I directed the Minutes of each Council to be laid before them at their next meeting etc., and this hath constantly been observed by the Clerk ever since ; but 'tis true that the Council often ommit to look upon these minutes or find leasure to hear them read. Only Mr. Ludwell hath not only had the perusal of all the Journals, but copys of the greater part of them, and yet I have never heard any entry therein faulted, etc. *Refers to his answer to the Burgesses'*

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*charge, v. March 25. Continues :* Those who do not know the character of this Memorialist, will be surprized to find that he, who not long before his departure from hence, joined with his brethren of the Council in acknowledging under his hand, my constant civilitys to the gentlemen of that Board, should now charge me with denying them the freedom of delivering their opinions *etc.* As to their consultations in Assembly, I do affirm that I never have interposed, but when they have vouchsafed to ask my advice, or when the King's service has obliged me to declare my opinion of their proceedings, and then left them to consider of it, and if some few instances may be given of my expostulating with some of them upon their opinions offerred in Council or General Court, yet I will maintain that my reasoning with them on those occasions ever was with temper and good manners : and if the taking notice of, and fairly laying open their sentiments, exposed them to reproach and ridicule, I shal answer little to that complaint, for as I do not grant that either in the capacity of Governor or Judge I am to sitt silent, and suffer absurd notions to prevail, so neither do I think that Mr. Byrd and his confederates have treated me with such decent respect as to deserve that I should be indulgently blind to all their errors *etc.* As to that part [*of the Memorial*] which proposes a reciprocal communication of complaints sent over by either Party : To this I have to object, that there is some difference in the character of those who are entrusted by the Sovereign with the chief administration of the Government, and the subordinate members of the Councel *etc.*, so that I hope all Mr. Byrd's rhetorick will never prevail with yor. Lordps. to levell the one with the other. This I only offer for preserving the dignity of the Governmt. and that the authority of such as H.M. shal think fitt to honour with the chief administration, may not be rendered contemptible among the people, who seing men of their own rank in as much consideration at home as their Governor, will be apt to fancy themselves his equal too, and lay aside their obedience when they have lost their reverence. For my own part, I should readily agree to what Mr. Byrd here proposes, were I to expect a fair communication from my adversarys of their complaints agt. me : but the fallacy of the proposal lyes in this, that they need send no publick representations to yor. Lordps., and consequently will have none to impart to me, for they have their Agent (Mr. Byrd) ready to act according to the private notice they give him, and if they have not real grievancees, he can by the help of a ready invention frame complaints which were never thought of here, as he has in this memorial, in the case of the Governor's house, and the reading the Council Minuts ; and a Governor's reputation shall be sullyed and blasted before he knows that he is accused *etc.* A gentleman of the Council here publicly said upon perusing the aforesaid memorial, that he would not for

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£1,000 have his hand appear subscribed to so many lyes as he knew that paper contained, *etc.* It is not in Virginia alone, where the conscientious discharge of a man's duty exposes him to the rage of ill men : The neighbouring Province of North Carolina, highly provoked at the suppressing the pyrates who had been sheltered and too much countenanced in that Province, seems resolved to revenge on me, as the author of that project, the disappointment of their expected gain, by being the repository of all the ill-gotten wealth of that abandoned crew, *etc.* All I shal at present say to the menaces of my angry neighbours, is that if in one of H.M. Provinces, governed, or which at least ought to be so by the Laws of England or such as are conformable thereto, pyrates may be admitted to bring in and expose to sale as their proper estate, 80 or 90 negroes confess'd by them to have been piratically taken from the subjects of the French King, His Majesty's ally : if the Governor of that Province and others in chief station there shal so far countenance that unjust traffique as to become the first purchasers thereby setting an example to the meaner people : If to condemn as lawfull prize a sloop piratically taken from the subjects of Spain in a time of peace and to vest the property of that vessell in the pyrate who was the captor, by a formal decree of a pretended Court of Admiralty : If to permitt the same pyrate to arm and man the sd. sloop with a number of his associates far greater than were necessary to navigate that vessell on a lawfull voyage to clear the vessell for a pretended trading voyage to St. Thomas without any cargo at all that could denote a lawfull design : If to permitt the same vessell to return in less than a month into that Province with a French ship piratically taken, to leave that ship and cargo to be disposed of at the pleasure of the pyrates, without questioning by what means that booty came to be theirs, and if instead thereof the chief Officers of the Governmt. combined with the pyrates, by receiving and concealing part of these pyratial effects : If in neither of the aforementioned cases no care was taken by that Government to observe the Treatys of Peace, which enjoins that goods piratically taken or becoming wreck, and brought unto the Dominions of H.M. or the French King shal be reciprocally restored to the owners. If instead of securing the French ship last mentioned for the benefite of such as might claim the same a warrt. shal be prepared by the Secretary and sign'd and sealed by the Governor for burning that ship within a month after her arrival and when she might have been well preserv'd. If to keep a correspondence with these villains all the while they were perpetrating these acts of piracy ; to give them the appellation of friends and to connive at their robbing H.M. subjects even in that Province and almost at the Governor and Secretary's doors : and finally, if when the Court of Admiralty for trying of pirates here, shal upon due prooff represent to that Government,

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that their Secretary and Chief Justice appeared to be accessory to piracy and thereupon desired he might be secured and sent to England for his tryal; no notice shal be taken of this representation, but on the contrary the offender suffered to enjoy his post, and those in principal authority joine in his vindication. I say if all these, and many other instances weh. I could give, and am able to prove, may be lawfully practised in the Province of North Carolina, Then I must own myself to have been too officious, in meddling at all in the reduction of those pirates, and too imprudently sollicitous for the observation of the Treatys between H.M. and his allyes *etc.* *Appeals for their Lordps.* protection against the unjust clamour of prejudiced men. *Continues:* Your Lordps. may be pleased to remember how much I laboured wth the Assembly in May 1718 to get them to renew the peace with the Indians of the five Nations, thereby to secure our frontiers from the disturbances I then discovered those Indians were inclined to give us, but all my endeavours proving ineffectual to perswade either the Council or Burgesses to such prudent measures, The Indians have this year fallen down among the upper inhabitants plundered some familys and behaved themselves with such insolence as hath occasioned no small uneasiness among the people who are fearfull of more fatal attempts: there hath also been a rencounter between those Indians and our Tributarys wherin some on both sides have been killed. On these alarms the Militia of the frontier countys are ordered to be in a readiness to oppose their ineursions, the only means left to protect the country, and even that like to be far more expensive than ten times the charge of obtaining a peace by way of Treaty: for if nothing more happens than only keeping the people in constant alarms, it will greatly injure them in their cropps, and probably force a great many to desert their Plantations, and perhaps the country too, when they perceive they cannot be safe, and their Representatives will take no care to protect them. And yet at last, these obstinate men who refused to come into the measures I proposed for obtaining a peace with the Indians will be forced to submitt to the same way, after all the dangers to weh. they expose their country and I'm confident with more charge and less honour than if they had sought such pacifick means at first: for I pereeive such of the Council and Burgesses as acted by a spirit of opposition in the last Assembly, have lost all credit with the people upon this incident and will never be able to recover it, without falling in again with the true interest of their country, weh. the meanest Planter now sees, is only to be promoted by cultivating a good correspondence with the neighbouring Indians, and not by engaging in a warr under the disadvantage of our scattered habitacons and the uncertain and sudden attacks of such an enemy. It remains that I return yor. Lordps. my

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humble acknowledgments for yr. goodness in not giving ear to the malicious insinuations of my enemys, and more especially in resisting the pressing solicitations of Mr. Byrd tho varnished over with the specious pretence of friendship and peace *etc.* Signed, A. Spotswood. *Endorsed*, Recd. 28th Sept., 1719. Read 15th June, 1720. 9½ pp. [C.O. 5, 1318. No. 73.]

[Aug. 11.] **358.** Form of a certificate for the bounty on pitch and tar. *Endorsed*, Recd. Read 11th Aug., 1719. 1¼ pp. [C.O. 323, 7. No. 159.]

Aug 11. **359.** Mr. Popple to Mr. Tryon. The Council of Trade and Whitehall. Plantations, desires to discourse with you and any of the gentlemen who signed a memorial in behalf of the sufferers at Montserrat in April, 1714. [C.O. 153, 13. pp. 424, 425.]

Aug. 11. **359A.** *Same* to Mr. Potter. Presses for what was desired Whitehall. of the Hudson's Bay Company, the 4th instant, as soon as possible *etc.* [C.O. 135, 3. p. 138.]

Aug. 12. **359B.** *Same* to Richard Harris. By the 11th Article of the Whitehall. Treaty of Utrecht, it is provided that the Commissaries to be appointed on the part of Great Britain and France, are to *enquire into those things, of which the French subjects complain relating to the capitulation of Nevis*, and Castle of Gambia, as also to French ships, if perchance any such have been taken by British subjects in time of Peace. The Council of Trade and Plantations desire you would give them the best information you are able of that matter and what they desired of you at their Board the 5th inst., as soon as possibly you can. [C.O. 324, 10. pp. 265, 266.]

Aug. 12. **359C.** *Same* to Governor Hamilton. *Encloses duplicate of* Whitehall. letter from the Board of 24th April, and the order in Council repealing the Additional Duty Act of Antegoa, with the Board's reasons for repealing it. By the said Order the Act *to prohibit the importation of foreign sugars, etc.* is likewise repealed. [C.O. 153, 13. pp. 425, 426.]

[Aug. 13.] **360.** Memorial of the Governor and Company of Adventurers of England trading into Hudson's Bay to the Council of Trade and Plantations. At the Treaty concluded at Utrecht it was agreed between the Crowns of Great Britain and France that the Streights and Bay of Hudson should be deliver'd up to the British subjects, and that the limits should be settled between the said Bay of Hudson and the places appertaining to the French, and also that satisfaction should be given to the Company for all depredations committed against them by the French in a time of Peace according to an estimate thereof to be made at the requisition of the several parties. The first

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of these Articles vizt. the surrender of the Streights and Bay aforesaid has been made according to the tenour of the Treaty at least in such manner that the Company acquiesc'd therein, and have nothing to object or desire further on that head. The other two vizt. the running a line betwixt the English and French territories, and the making reparation to the Company for their losses and damages yet remain to be done, whereupon the Governor and Company most humbly represent to your Lordps. that they conceive it absolutely necessary that the limits between the two Nations be settled without delay, for that the French have since the conclusion of the Peace (vizt. in 1715) made a factory settlement at the Head of Albany River, upon which very river our principal factory is settled, whereby they intercept the Indian trade from coming to the Company's factories and will in time utterly ruin the trade if not prevented. It is therefore propos'd and desir'd that a boundary or dividend line may be drawn so as to exclude the French from coming any where to the northward of the latitude of 49, except on the coast of Labrador; Unless this be done the Company's factorys at the bottom of Hudson's Bay cannot be secure nor their trade preserv'd. As to the article of the Company's losses it will appear by a true and exact estimate to this Memorial annex'd that the French took from the Company in full Peace vizt between the years 1682 and 1688 seven ships with their cargoes and six forts and factories in which they found and carried away great stores of goods laid up for trading with the Indians the whole amounting to £38332 15s. principal money and £62210 18s. 9d. interest computed to the year 1713, which two sums being added together make the total £100543 13s. 9d. [v. Aug. 13.] The Company humbly referring your Lordps. to the estimate itself for particulars crave leave to make two remarks upon it. First that the loss of the forts is not charg'd therein, nor are the damages valu'd which the Company suffer'd by the depredations of the French which must be very great considering how long they held possession of our forts and enjoy'd the trade depending thereon, particularly they held Albany fort and all the places of trade in the Bottom of the Bay for six years, the bare interest only is charged, which is always suppos'd necessary to grow out of the principal and to be inseparable from it. Secondly, that the proofs and vouchers which support the account are such as the reason and nature of the thing will admit of especially considering the distance of time and place where the injuries complain'd of were committed, the seizure of the several forts and capture of the respective ships being acts of a publick and notorious nature 'tis presum'd they will not be denied, besides that there are living witnesses here to some of them. The cost of the ships and goods is extracted out of the Companys books where every article was fairly enter'd when there could be no foresight of the misfortunes which afterwards happen'd, the



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tradesmen's several bills are likewise ready to be produc'd to confirm the account. Wherefore the Governor and Company most humbly pray that your Lordps. will be pleas'd to espouse their just cause and so to recommend it to H.M. that they may have full reparation made them as was agreed and promis'd by the late King of France at the Treaty of Utrech. *Signed*, By Order of the Governor, Depty. Governor and Committee, Wm. Potter, Secry. *Mem.* The seal of the Company was affix'd to the original, wch. Col. Bladen took with him to France, in Sept. 1719. *Copy.* 3 pp. [C.O. 134, 2. No. 45.] *Enclosed*,

360. i. Account of the damages sustained by the Hudson's Bay Company from the French in times of peace. *v.* preceding. *Endorsed*, Recd. Read 13 Aug. 1719. 19 pp. [C.O. 134, 2. Nos. 45, 45.i.]

Aug. 14.  
Whitehall.

**361.** Mr. Delafaye to the Council of Trade and Plantations. *In pursuance of Aug. 4th, encloses following.* *Signed*, Ch. Delafaye. *Endorsed*, Recd. 15th, Read 26th Aug. 1719.  $\frac{3}{4}$  p. *Enclosed*,

361. i. Memorial of the Deputies of the States of Guipuzcoa to Col. Stanhope. Request prompt consideration of their claim to the freedom of fishery of the coast of Newfoundland, as well as to a free trade and commerce in the several harbours thereof, of which, as the first discoverers of those ports, the subjects of the Province have been in continual possession, confirmed by the Treaty of Utrecht *etc.* *Signed*, Dn. Miguel de Aranburu and 4 others. *Spanish.* *Copy.* 1 p. [C.O. 194, 6. Nos. 69, 69 i.; and (without enclosure) 195, 6. p. 511.]

Aug. 14.  
London.

**362.** R. Harris to Mr. Popple. *Encloses following.* *Concludes*: I am to day informed that there is a man in town that was settled for some time on one of ye branches of Mississippi River, and by some of the Virginia merchants yt. the French have erected a settlement within two days journey of Maryland *etc.* I beleive Mr. Danson can farther informe *etc.* *Signed*, Rd. Harris. *Endorsed*, Recd. 17th, Read 18th Aug., 1719.  $\frac{3}{4}$  p. *Enclosed*,

362. i. Mr. Harris to Mr. Popple. *Reply to Aug. 5th and 11th.* I have not heard of any capture of French ships, in time of peace, unless by pirates *etc.* *Refers to* French Senegal Co. and the African Co. *Concludes*: Touching Newfoundland, I cannot at present think where to find proof, that Sebastian Chabot was the first discoverer thereof; but I am pretty sure he was allways reputed so, and I beleive you have the time and relation thereof in Dr. Heylin's *Cosmography*, and 'twas in King Henry ye 7th time, in a ship fitted out of Bristoll *etc.* *Signed*, Rd. Harris.  $2\frac{1}{2}$  pp.

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362. ii. *Same to Same*. London, Aug. 10, 1719. In pursuance of their Lordships' commands, Aug. 5th, offers suggestions as to the bounds to be fixed between the English and French in North America. *Signed*, Rd. Harris.  $6\frac{1}{4}$  pp.
362. iii. Extract from Sir Francis Bacon's *Resuscitatio*, p. 27, relating to Spain and the trade to the Indies. *Endorsed*, Recd. 17th, Read 18th Aug., 1719.  $1\frac{1}{2}$  pp. [C.O. 323, 7. Nos. 160, 160. i.-iii.]

- Aug. 14. Hudsons Bay House. **363.** Mr. Potter to Mr. Popple. *In reply to Aug. 11th, encloses following. Concludes:* The original was sent with ye Comps. Agent Capt. James Knight in June 1714 whome they order'd to take possession according to the Treaty of Utricht. *Signed*, Wm. Potter. *Endorsed*, Recd. 17th, Read 18th Aug., 1719.  $\frac{3}{4}$  p. *Enclosed*,
363. i. Order by the French King for the surrender of the Bay and Streights of Hudson. Aug. 6, 1713. *Copy*.  $\frac{3}{4}$  p. [C.O. 134, 2. Nos. 46, 46. i.]

- Aug. 17. Whitehall. **364.** Mr. Delafaye to the Council of Trade and Plantations. *Encloses following for their information. Signed*, Ch. Delafaye. *Endorsed*, Recd. 18th Aug., Read 16th Sept. 1719. 1 p. *Enclosed*,
364. i. Earl of Cadogan (H.M. Ambassador Extraordinary at the Hague) to Mr. Delafaye. Hague, Aug. 18., (N.S.), 1719. *Encloses following etc. Signed*, Cadogan.  $\frac{1}{2}$  p.
364. ii. Directors of the Dutch West India Company to the States General. Amsterdam, 16th Aug. (N.S.), 1719. *In reply to the resolution upon Lord Cadogan's complaint that deserters and slaves from the Lecward Islands are harboured by the Governor of St. Eustatia, the Directors are wholly ignorant of the fact etc. They will write by the first opportunity to the Governor in the strongest terms, enjoining him, in case such deserters and slaves are now at St. Eustatia, to deliver them all up to those who claim them through the Governor of the English Colonies from whence they have deserted, and that he should take particular care for the future not to harbour any deserters or slaves coming to St. Eustatia, but to cause them to depart as quickly as possible etc. Signed*, Ferdinand van Collen jr., Van Beuningen. *Endorsed*, Recd. 17th Aug., 1719. *Copy. French*. 2 pp. [C.O. 152, 12. Nos. 149, 149. i., ii.]

- Aug. 18. Whitehall. **365.** Mr. Popple to Mr. Pery. Similar letter to No. 359B. [C.O. 324, 10. pp. 265, 266.]

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[Aug. 18.]

**366.** Dr. Coxe to the Council of Trade and Plantations. I believe there will be great difficulties in a treaty between us and the French about settling the bounderies of our English Colonies and those of the French ; particularly the Province of Carolana, of which they seem very fond, having already made some settlements, and are preparing to make more, and greater *etc.* *Proposes* to assign to the French all the territory W. of the Mississippi and retain all that on the E. *etc.* *Endorsed*, Recd. Read 18th Aug. 1719.  $1\frac{1}{2}$  pp. [C.O. 323, 7. No. 161.]

Aug. 19.

Boston.

**367.** Governor Shute to the Council of Trade and Plantations. *Refers* to letters of 29th Sept. 1718 and 1st Jan. 1719. *Continues* :—I have not had the favour of hearing from your Lordships. since *etc.* There is another vacaney in the Council of New Hampshire by the death of Mr. Atkinson. *Recommends* Robert Armstrong, collector in that Province, who is very knowing in the affairs of it *etc.* *Refers* to *enclosures*. *Concludes* : Peace still continues between these Provinces and the Indians : I shall use my utmost indeavours to cultivate friendship between us. *Signed*, Samll. Shute. *Endorsed*, Recd. 17th Oct. 1719, Read 3rd Aug., 1720. 1 p. *Enclosed*,

367. i. Account of stores of war expended at Castle William, Boston, 24th June 1718-1719. *Signed*, Zeer. Tuthill, Lt. 1 p.

367. ii. Account of stores of war remaining at Castle William, 24th June, 1719. *Signed as preceding*. *Endorsed as letter*. 1 p.

367. iii. Accounts of powder expended at Fort William at Newcastle in New Hampshire, 10th Oct.-27th April, and remaining on 15th July, 1719. *Signed*, J. Wentworth. *Endorsed as letter*. 3 pp.

367. iv. Account of imports into New Hampshire, Midsummer 1718-1719. Imports of rum, sugar, molasses, cotton, tar and pitch from the West Indies ; salt from Tortuga, *etc.* ; 10 ships from Great Brittain and Ireland theire whole cargoes amounting to about £6000 sterl. *Signed*, Rot. Armstrong, Collr. *Same endorsement*. 2 pp.

367. v. Account of exports from New Hampshire, Midsummer 1718-1719, chiefly timber. Some small quantities of English goods to Virginia, Carolina, *etc.* Some fish, live stock and tar. *Details*. *Signed and endorsed as preceding*. 2 pp. [C.O. 5, 867. Nos. 62, 62. i.-v.]

Aug. 20.

**368.** Col. Moody to Mr. Popple. In answer to their Lordships' desire to know, what French ships have fished in the British parts of Newfoundland, since they delivered up Placentia, I have heard, that about 10 or 15 sail doe fish sometimes in the harbours belonging to Brittain between Port Rich and

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Placentia *etc.* I believe that several French ships from Cape Brittoon doe now and then fish in the remote and obscure Brittish harbours on the Cannada side of Newfoundland, where it is hardly possible to find them for rocks and foggs. *Signed*, J. Moody. *Endorsed*, Reed. Read 20th Aug, 1719. *Addressed*. 1 p. [C.O. 194, 6. No. 68 ; and 195, 6. pp. 510, 511.]

Aug. 20.  
African  
House.

**369.** Mr. Pery to Mr. Popple. *Reply to* 18th Aug. The Sub-Governor and Court of Assistants hope to be ready on Tuesday *etc.* *Signed*, John Pery. *Endorsed*, Reed. Read 21st Aug. 1719. *Addressed*.  $\frac{1}{2}$  p. [C.O. 323, 7. No. 162.]

Aug. 25.  
Whitehall.

**370.** Order of Lords Justices in Council. Approving of representation of 8th inst., and repealing two Acts of Pennsylvania accordingly. *Signed*, Jas. Vernon. *Endorsed*, Reed. 10th, Read 16th Sept., 1719.  $\frac{1}{2}$  p. [C.O. 5, 1265. No. 130. i.]

Aug. 26.  
Whitehall.

**371.** Circular letter to Governors of Plantations on the Continent of America including Nova Scotia. An Act having been passed in the last session of Parliament, *against clandestine running of uncustomed goods etc.*, wherein is a clause, which requires a more strict examination for the future, into the goodness of pitch and tar imported here from the Plantations; *encloses* printed copies, that you may cause the same to be made known in the best manner within your Government, to ye persons concerned in the manufacturing of pitch and tar. *Encloses* copy of certificate that will be given by the officers of the Customs, upon which premiums are to be allowed (*v.* Aug. 11th). You will on this occasion let those manufacturers of pitch and tar know, that they ought to consider the above-mentioned clause as designed for their incouragement, and to establish that manufacture in such a manner as that it may be a lasting benefit to this Kingdom, as well as to the Plantations. I am further commanded to send you a copy of an account of the method practised in Muscovy, in making tar, which perhaps may be of use to the manufacturers of that commodity in your Government for the same reason. I likewise send you rules for raising of hemp. *Signed*, Wm. Popple. [C.O. 324, 10. pp. 267-269.]

Aug. 27.

**372.** Capt. Gardner to Mr. Secretary [?Stanhope]. Prays for orders for 6 months provisions for the garrisons at Placentia and Annapolis and presents for Indians *etc.* *Signed*, Rt. Gardner. 2 pp. [C.O. 217, 38. No. 4.]

Sept. 1.  
Boston, New  
England.

**373.** Mr. Bridger to Mr. Popple. Encouraged by letter of 20th Feb., will continue his care of H.M. woods, the person Mr. Burniston sent a lame deputation to being judged by the Council of New Hampshire unqualified for this service. Prays for

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kind offices in obtaining his salary *etc.* *Signed*, J. Bridger. *Endorsed*, Reed. Read 22nd Oct., 1719. *Addressed. Sealed. Postmark.* 1 p. *Enclosed*,

373. i. Certificate by Governor Shute that Mr. Bridger has done his duty in defending H.M. right to the woods in both Provinces. He is skilled in the woods and perfectly understands the making of Naval Stores *etc.* *Signed*, Saml. Shute. Boston, July 15, 1719. *Endorsed as preceding.* 1 p. [C.O. 5, 867. Nos. 55, 55. i.]

Sept. 3.  
Custom ho.,  
London.

374. Mr. Carkesse to Mr. Popple. Encloses following, to be laid before the Council of Trade and Plantations. *Signed*, Cha. Carkesse. *Endorsed*, Reed. 4th., Read 17th Sept. 1719. *Addressed.*  $\frac{3}{4}$  p. *Enclosed*,

374. i. Extract of letter from Hibbert Newton, Collector of Nova Scotia. Annapolis Royall, 25th June, 1719. Col. Philips is dayly expected, and it is a great pity so fine a province should lye so long neglected. As for furs, feathers and a fishery we may challenge any province in America, *etc.*, and besides that here is a good grainery, masting and navall stores might be provided from hence, and was here a good establishment fixt, our returns would be very advantageous to the Crown. *Addressed.*  $\frac{1}{2}$  p. [C.O. 217, 2. Nos. 89, 89.i.; and 218, 1. p. 452.]

Sept. 4.

375. Lords Proprietors of Carolina to the Governor and Council of South Carolina. Whereas it [*was*] agreed formerly at our Board, that in consideration of the many gross and insufferable abuses that were constantly committed by the exorbitant grants of land that were made in our Province of South Carolina, far exceeding and contrary to our Commissions and Instructions to our Gvrs. and Officers, no more lands shou'd be sold from thenceforth except what lands shou'd be sold by our selves at our Board; and whereas we have, at the instance and request of the inhabitants of our said Province, consented to suspend that our order and resolution, and have permitted our Agents to set out land *etc.* as formerly; yet we perceiving that the abuses abovemention'd are rather increas'd since our late indulgence, some persons endeavouring to make conveyances of our land without our authority for so doing; and our quit rents in our said Province are in such a disorderly and confus'd condition, that no manner of accot. can be given of the same, nor can any calculations or accounts of any rents or reservations made to us by the reason of such grants be any ways made up or be transmitted to us; for preventing therefore such enormous practices and abuses for the future, we have resolv'd and we do hereby strictly command and require you our Governor and Council that you do not consent,

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permit or suffer any more land to be admeasur'd or set out to any person whatsoever without our consent and approbation being first obtain'd upon that account. *Signed*, Carteret Palatin; M. Ashley, J. Colleton, J. Danson. [*C.O.* 5, 290. *pp.* 155-157.]

Sept. 4.

**376.** Mr. Delafaye to the Council of Trade and Plantations. The Lords Justices refer the following for their report *etc.* *Signed*, Ch. Delafaye. *Endorsed*, Reed. (from Mr. Wood) 9th Sept., Read 19th Nov. 1719.  $\frac{1}{4}$  p. *Overleaf*,

376. i. Petition of Lord A. Hamilton to the Lords Justices. Prays that directions may be given for the payment of the money advanced by himself and the Council of Jamaica (*v. supra*), with interest, the Assembly of Jamaica having refused it, whilst paying Mr. Heywood for similar advances. 1 p.

376. ii. Copy of H.M. Warrant to Governor Lord A. Hamilton, for payment of above money, 10th April, 1710. 1 p. [*C.O.* 137, 13. *Nos.* 35, 35. i., ii.; and (*without enclosure ii.*) 138, 16. *pp.* 241-243.]

Sept. 7.  
New Port  
Road Island.

**377.** Caleb Heathcote to the Council of Trade and Plantations. It being incumbent on me, to lay before your Lordships some laws, and proceedings of the Charter Governments, weh. are of extraordinary nature, and in many respects hurtfull to the Prerogative, and service of the Crown, and contrary to the Acts of Trade made for the Plantations, in weh. if they are not kept to a strict observance of, and made seneible of their dependance on Great Brittan, as they are dayly growing very numerous and powerfull, so a neglect therein, may with time be attended, with very ill consequences. I need not acquaint your Lordships, that notwithstanding they have oft received commands for sending home their laws, it has hitherto in this Govermt. been wholly neglected, and they nevertheless presume to putt them in execution, tho many thereof are repugnant, not only to the laws of Great Brittan, but even to the expresse words of their Charter *etc.* One werof is for issueing bills of creditt for £40,000, of weh 30,000, was directed by the Act, to be lett out on land security, at use for 5 p.c., and notwithstanding the intrest arising from it, was appropriated for repairing a fortification, by weh. this harbour is secured, yett not a penny therof (altho' 'tis near five years since that law was made) has been apply'd for that purpose, altho' the walls of that garrison are all decay'd, and tumbling down, the gun carriages rotton and many of the guns lying amongst ye rubbidge, by means werof the place is exceedingly exposed, to the insults either of piratts, or declared enemys, nor can the officers of H.M. Customes be safe, in putting the Acts of Trade in force, because on seizeing of any vessill for illegal trade (being out of command)

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they may easily be carryd off to sea, or made willing to be put on shoar, and weh. hath been seaverall times, and very lately practiced, in the Charter Governments. Another law was made *for establishing of fees*, by virtue wereof the officers of H.M. Customes, have been most griveously insulted and abused, which occasioned my applying to the Commissioners of H.M. Customs, and they tooke the Attorney Generals opinion thereon, who declared, that the execution of such laws, were just reasons for the forfeiting their Charter, and the Commissioners directed me, and by their letter threatned the Governmt., with a seicri facias, if they insisted on such laws, weh. I acquainted the Governour, and assembly by letter withall, but without receiveing any answer, and I can't omitt humbly observeing that upon former complaints sent home, threats of that nature haveing been oft signifyd to the Governts., and nothing further hapning upon it has occasioned their abuse, of that gratious indulgence, and has only been a means to confirm them in that absurd notion, of their laws being sufficient in themselves, and to have no need of the Royall assent to confirm them, but I hope your Lordships will think of such measures, thoroughly to convince their presumption therin, and at least oblige them, to send all such laws home, whereby any dutys, or imposts are layd on trade, and merchandize, or any other wereby they pretend, to subject any of ye officers of H.M. Customes, to rules of their own makeing. For while they have a power (as they imagin) of making laws seperate from the Crown, they'll never be wanting, to lessen the authority of the King's officers, who by hindering them from a full freedome of illegal trade, are accounted enemys to the growth, and prosperity of their little Commonwealths—and tis very wonderfull to me, who am thoroughly acquainted with the temper of the people, that none of H.M. officers of the Customes, have been mobbd and torn in peices by the rable, and of weh. some of them have very narrowly eescaped: an instance werof hapned in this town to the present Collector, who haveing made seizure of severall hogsheads of clarrett, illegally imported, and notwithstanding he had the Governours warrt. and the High Sheriff, besides his own officers to assist, and tooke the clarrett in the daytime, yett the town people had the insolence to rise upon them, and insult both them, and the civill officers, and haveing by violence after a riotous, and tumultuous manner rescued, and possessd themselves of the seizures, sett the hoghead ahead, stove them open, and with pailles drunke out, and carryd away most of the wine, and then threw the remainder into the streets. This tumult was no sooner over, but one Mr. John Wanton who uses the sea, and is maister of a sloop, a magistrate of the people's choyce, (as may be reasonably supposed) for keeping up the rage and humour of the mobb, did immeadiately issue out his warrant for apprehending of Mr. Kay the Collector, under pretence

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of his takeing other, and greater fees for clearing of vessills, then the laws of this Collony allowd of (and wich amounted to only two shillings sterling) but the matter being fully examined before the Governour, and it apearng that he had taken no greater fees, then above mentioned, and which had allways been customary, and that the prossecution was mallitiously intended, he was dismissed. But Mr. Wanton not satisfyd with what the Governour had done, and being willing to ingratiat himself amongst his neighbours, who had so lately advanced him, issued out a second warrant for the very same fact, and to magnifye his zeal on that oecasion, had him arrested, and taken into custody in the Custome House while in his duty, and thence hurryd him away amidst a croud of speetators, refusing to admitt him to bail. These are such unheard of proceedings, as will I humbly suppose, induee your Lordships to believe, that such a person as Mr. Wanton, is unworthy of authority, under culler werof, he so highly abuses, and discourages the officers of H.M. Customes, in the discharge of their duty, *etc.* Signed, Caleb Heathcote. Endorsed, Reed. 1st Jan. 17 $\frac{1}{2}$ <sup>o</sup>. Read 25th May, 1722. 4 pp. [C.O. 5, 1266. ff. 47-49 v.]

Sept. 9. **378.** Lord Guilford to the Council of Trade and Plantations. *Reply to 7th Aug.* I shall take care to send by the first ships to our Agents in Maryland for an account of the boundaries *etc.*, and to transmit the Acts *etc.* received from your Lordships 26th Aug. *etc.* Signed, Guilford. Endorsed, Reed. 11th, Read 16th Sept., 1719. 1 p. [C.O. 5, 717. No. 79.]

Sept. 9. **379.** Governor Shute to the Council of Trade and Plantations. *Refers to* accounts sent 19th Aug. and enclosures. *Continues:* Since my last an officer that I sent some time since to Canada to demand some captives that are still remaining there informes me, that though he made his application to the Govr. Monsr. Vodrieul and tho' I wrote to him upon the same head he cannot get them released which is contrary to the Treaty *etc.* I fear the Jesuits are at the bottom of this matter who indeavour all they can to make them renounce the Protestant religion and have prevailed with some of them to do so. I hope your Lordsp. will acquaint H.M. of this matter that so the parents of these captives may have their children released and returned to them. Signed, Saml. Shute. Endorsed, Reed. 22nd Oct., Read 3rd Aug., 1720. 2 pp. Enclosed,

379.i. Account of (a) the Revenue and (b) Expenditure of the Massachusetts Bay, May, 1718-1719. *Total Receipts*, £54,117 19s. 2d. Signed, Jer. Allen, Treasurer and Reeceiver General. Boston, 30th May, 1719. Endorsed as preceding. *The whole*, 34 pp.



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379. ii. Account of the (a) Revenue and (b) Expenditure of New Hampshire, 1717 and 1718. *Total*, Receipts, £2769 (£2500 and £269 18s. 3d. balance from last account), and shewing balance in hand of £262 2s. 4d.) *Signed*, Saml. Penhallow, Treasr. Portsmo. 30th April, 1719. *The whole endorsed as letter.* 2 pp. [C.O. 5, 867. Nos. 63, 63 i.-iv.]

Sept. 10.  
Herenhausen

380. H.M. licence of leave for six months to Thomas Talmash, Lt. Governor of Montserrat. *Countersigned*, J. Craggs. [C.O. 324, 33. p. 255.]

Sept. 10.  
Whitehall.

381. Council of Trade and Plantations to the Lords Commissioners of the Treasury. *Enclose* accounts of office expenses from Christmas to Midsummer. There was then nine months salary due to the Commissioners *etc.* *Accounts annexed.* [C.O. 389, 37. pp. 162-164.]

Sept. 10.  
Whitehall.

382. Council of Trade and Plantations to the Lords Justices. *Reply to 4th and 14th Aug.* It cannot be pretended, that the Treaty of Utrecht has given to the Guipuseoans, nor to any of His Catholie Majesty's subjects any privilege of fishing or of trading at Newfoundland, unless they are able to support their claim to those privileges, by an undoubted right. *Quote* 15th Article : " That all such privileges as the Guipuseoans and other people of Spain are able to make claim to by right, shall be preserved to them " *etc.* Now altho' the Spaniards seem to assert, that they were the first discoverers of Newfoundland, and would found their right of fishing thereupon, nevertheless it is notorious, that this Island was first discovered by Jno. Cabbot (*Hackluyts* 3 vol. folio 6 & 9) anno 1497 at the charge of King Henry 7th, and he took possession thereof in the name and for the use of his said Majesty. It appears likewise that King Henry the 8th sent one Bute to make a settlmt. in Newfoundland, and that several voyages were made thither in that reign by Mr. Hore and other merchants (folio 129). It appears further by an Act made in the 2nd of King Edwd. the 6th against ye exacting of mony by any officer of the Admiralty for licence to traffick into Newfoundland *etc.* that ye trade and fishery was at that time well known and frequented by the subjects of this Kingdom *etc.* *Record grants of 1583-1638. Continue :* In 1650 a Commission was given to Mr. John Treworkey to be Govr. of Newfoundland, and in 1655 Sir Davd Kirk by virtue of his grant from the Crown, convey'd to John Claypole and others a right to make settlements there : Where no foreigners had hitherto attempted to settle any Colony or to question the undoubted right of ye Crown of England to that Fishery. But the French having frequented that fishery for some years by connivance, after the conclusion of their Treaty with Cromwell

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in 1655, they began in 1662 to settle at Placentia with soldiers, artillery *etc.* and fortify'd the same tho' Mr. Isaac Dethick an English planter and others, were then settled at that place *etc.* (v. C.S.P. 1688, No. 1729. i.). However it does not appear to us, upon searching the books and papers in our office, that the Spaniards ever had any settlement, either under the English or the French in Newfoundland, or that for many years past they have been permitted to fish there, excepting only some few ships to whom Her late Majesty granted passes and licences for that purpose. Besides if the Spaniards could make out their pretence of an ancient right to that fishery, as being the first discoverers of Newfoundland yet as it is beyond dispute that the English were, and they were not in possession of any part of Newfoundland at the time of making the American Treaty in 1670 between the Crowns of Great Britain and Spain, they are absolutely excluded from all such pretended right by the 7th and 8th Articles whereby it is expressly stipulated, "That the King of Great Britain, shall hold keep and always possess in full right of sovereignty and propriety, all the lands, Colonies and other places be they what they will, lying and situate in the West Indies, or in any part of America, which the said King of Great Britain and his subjects, now hold and possess. And that the subjects of each Ally respectively shall forbear and abstain from sailing to and trafficking in all places possessed by the other party in the West Indies." Moreover by the Act of 10th and 11th Gul. 3d. ch. 25, *to encourage the trade to Newfoundland* it is provided, that no alien or stranger whatsoever not residing within the Kingdom of England, Dominion of Wales or Town of Berwick upon Tweed, shall at any time hereafter take bait or use any sort of trade, or fishing whatsoever in Newfoundland or in any of the Islands adjacent. It is therefore manifest that not only the country of Newfoundland, but that ye fishery on the coast and in the harbours thereof, are the undoubted property of H.M. and that the Guipuseoans have no manner of right to fish or trade there. And upon this occasion we further crave leave to observe to your Excellencies, that having had the state of the fishery in Newfoundland several times under consideration and being fully convinced, that it is not only obstructed by the great irregularities and disorders of the inhabitants and fishermen, but that it is not possible it should be carry'd on under the present regulations by Law, to the advantage of this Kingdom, at whose charge it is annually protected. *Refer to Representation* of 19th Dec. 1718, and heads of a bill offered 24th Dec., 1718 "whereby we have reason to hope the several obstructions and disadvantages this fishery lies under at present, wou'd be remov'd, the fishery restor'd to its ancient flourishing condition, and H.M. subjects enabled to carry their fish to foreign markets, at such moderate rates, that neither the French wou'd reap much advantage

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by their fishery in those parts, nor the Spaniards be very solicitous for the privilege they now desire." *Autograph signatures.* 7 pp. [C.O. 194, 23. No. 31; and 195, 6. pp. 512-517.]

Sept. 11.  
Custom ho.,  
London.

**383.** Mr. Carkesse to Mr. Popple. *Encloses following etc.* The Commrs. of the Customs observe that there is no Law to prevent the importacon of Dutch negroes into the British Plantacons, in British shipping duly navigated. *Signed,* Cha. Carkesse. *Endorsed,* Recd. 11th, Read 17th Sept., 1719. *Addressed,* 1 p. *Enclosed,*

383. i. Extract of letter from Mr. Dunbar, Surveyor General of Barbados, to H.M. Commissioners of Customs. Antigua, 25th Sept., 1718. The Dutch yearly bring 2 to 3000 negroes to St. Eustatia and chiefly send them among the English and French Islands, by which means they drain us of what little money is among us but likewise of our country species. The carrying of sugars from the English Collonies to foreign Plantations when detected is punished according to law, which of late years has been only from St. Xtophers, but I am at a loss how to proceed against the importers of negroes from thence, weh. certainly is very pernicious to the English Adventurer, they purchasing them cheaper from the suitableness of their cargoes, than its possible for the English to do. This may undermine us, not only in our trade to Africa, but also ingross a great part of the French sugars and our own to be carried to the Holland markt etc. *Asks for Instructions, etc.* 2 pp. [C.O. 152, 12. Nos. 157, 157.i.]

Sept. 12.  
London.

**384.** Thomas Weir to the Council of Trade and Plantations. *Encloses following,* "forwarded June last via Barbadoes, which came not to hand till after my arrivall here etc." *Offers services.* *Signed,* Thomas Weir. *Endorsed,* Recd. 12th, Read 16th Sept., 1719. *Addressed.* *Sealed.* 1 p. *Enclosed,*

384. i. *Same to Same.* Sta. Lucia, 20th June, 1719. Having been the 18th currt. in Martineq where they are now fitting out twinty sloops to goe in company with the six sail of men of warr lately arrived att Fort Royall with a new Intendant from Old France, who brings orders from the Generall concerning an expedition to be made against the negros of St. Vincent, in which Island by best report are 4000 negros, I came from Martinequa in Capt. Harrys sloop now gone to St. Vincent to keep friends with the Indians and also acquaint the negros that the fleet fitting att Martineq. are desined against the Spainard. I belive there success against the negros will be small all of

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them being acquainted with the use of a muskett and if make any attack must be by the Indians which done they desired to carry those negroes and attack St. Domingo upon the Island High Spainiola, if succeed to live the negroes there, if not at Fort Luies or Pettyguavis both which settlements the French have been masters off some time, they alsoe affirm that the King of Great Brittan has given the Island Sta. Lucia to the Marchll. De Trett Vice Roy of the French Islands who has sent in the last fleet to Fort St. Peers all maner of tradesmen for building a fort in the Petty Caranash Sta. Lucia and that Monsr. St. Marting is apoynted Governor of that Island and dayly expected with two large hegboats full of famelys under convoy of one man of warr to settell that Island, and the French att Martinequa give out that if they succeed in this undertaking, and a war happen betwixt the Kingdoms of Great Brittan and France, they'll be masters of all the Sugar plantations *etc.* Sta. Lucia is of a good soyle both for sugar and coeo plantations, well watered full of good timber for frames of houses or small sloops for trading amongst the Islands. Barbados sends above 100 saill of sloops annually to cutt firewood of which all our other Islands now want, and above all two of the finest harbors in the West Indies viz. Petty Caranash and Mary Gatt de Daraso about four miles distance from each other any of them fitt to contain all the Navey of Brittan *etc.*, and would be of great service for our shiping att Barbados and the Leward Islands in Horrycain time *etc.* *Signed*, Thomas Weir. 1 p. [C.O. 28, 15. Nos. 49, 49. i.]

Sept. 16. **385.** Mr. Tilson to Mr. Popple. The Lords Commrs. of the Treasury *refer enclosed* to the Council of Trade and Plantations for their report *etc.* *Signed*, Chris. Tilson. *Endorsed*, Reed. 21st., Read 23rd Sept. 1719. *Addressed*,  $\frac{1}{2}$  p. *Enclosed*,

385. i. Mr. Bridger to Mr. Lowndes. Boston, 22nd June, 1719. Has performed the duty of Surveyor of the Woods for a year since he heard he was displaced, there being absolute necessity of such an officer, and no such having appeared. Three days ago he heard that Robert Armstrong was deputed. When he was recommended for that post by Lord Godolphin in 1710, I replied that he was entierly ignorant of every branch of the duty of a Surveyor of Woods, and his duty as Collector required a constant attendance on the river, and was inconsistent with the other *etc.*

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These objections I presume were entirely satisfactory to his Lordship *etc.* (v. July 16th). *Prays for salary for the time he has acted etc. Signed, J. Bridger. Addressed. 2 pp. [C.O. 5, 867. Nos. 51, 51. i.]*

Sept. 17.  
Whitehall.

**386.** Mr. Popple to Mr. Perry, Secretary to the Royal African Company. The Council of Trade and Plantations desire the opinion of the Company as to the trade in negroes from St. Eustatia to the Leeward Islands and Barbados, and to know whether it is true that the Leeward Islands are not so well supply'd with negroes by our own African traders as they used to be. [*C.O. 153, 13. p. 431.*]

Sept. 17.  
Whitehall.

**387.** *Same* to Richard Harris. Desires similar information [*C.O. 153, 13. p. 431.*]

Sept. 21.  
London.

**388.** Richard Harris to Mr. Popple. *Reply to 17th Sept.* I beleive there is, and allways was, a clandestine trade carryed on, between our Islands and the Dutch, as well as the French Islands, for linnens, spice, brandy, wine *etc.*, and in former times for great numbers of negros also, but for some years past, and particularly the two or three last, Barbados hath been so over-supplied, and the price so low, that very great numbers of negroes have been earryed from thence, both to Martinico, Virginia and all the Leeward Islands; so 'tis impossible that can be the case there now. Indeed this Island of Antegua, by reason of their unfair dealing, our negro ships have not so much frequented as other Islands, because when they have purchased negros in exchange for sugar, agreed to be paid the following cropp, at 12*s.* the hundred, they would not pay for them at less than 25, or keep the sellers out of their mony seven years, and their cropp haeving faild the year before last, they were forced to sell divers of their negros, from their plantations for necessarys, so that 'tis plain this coud not be the case of that Island; and as to Nevis and St. Kitts, I certainly know they have been rather overstocked, because I myself ordered a ship of mine about two years agoe, with 400 good negros thither, and then they were so overstocked, by English ships then in the Road who came before mine, that I was forced to go to Jamaica. As to Dutch goods, 'tis true that some Affrican goods are usually cheaper in Holland than here, as powder French brandy, Dutch pipes and most sorts of East India goods, proper for that trade (all which cannot be imported here, but we are now at liberty to go thither to take them in, as severall of my ships and many others have lately done) by reason that our East India Compa. have not, for severall years past, imported one fifth part of those goods wanted for that trade, and none of some sorts till lately, so that I expected the whole trade must at last have been driven on from thence *etc.* This last

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year negros have been sold from £16 to £18 (West India money) at Barbados, which is not £12 sterling, and near two years credit given, and more of them have been bought to carry to other islands, than Barbados could take off *etc.*, and there is one certain rule, that whenever Barbados is over supplied, the Leeward Islands can never want, there being a great trade allways carried on from thence to Leeward, for negros, provisions and many other goods by many sloops dayly employed therein *etc.* *Signed*, Rd. Harris. *Endorsed*, Recd. 22nd Sept., 1719, Read 17th Feb., 17 $\frac{1}{2}$ °. 3 $\frac{1}{2}$  pp. [C.O. 152, 13. ff. 14, 15.]

Sept. 22. 389. Mr. Popple to Mr. Carkesse. Encloses Governor  
Whitehall. Hamilton's reply (20th July) as to methods used to prevent illegal trade in the Leeward Islands *etc.* [C.O. 153, 13. p. 432.]

Sept. 23. 390. Mr. Popple to Lt. Governor Keith. The Council of  
Whitehall. Trade and Plantations return you their thanks for your letter of 16th Feb., and desire that from time to time you will let them have what farther informations you can get for H.M. service. They desire to know what foundation you have to assert that from an Article in the Treaty of Ryswick, all lands or any rivers in America, the mouths or outlets whereof were then in possession of either nation, are conceded to that nation as high as the first sources of those rivers, their Lordps. not finding anything to that purpose in the said Treaty. *Encloses* Orders of Council repealing laws, *etc.* [C.O. 5, 1293. pp. 222, 223.]

Sept. 23. 391. Mr. Popple to Mr. Ackworth, Secretary to the Com-  
Whitehall. missioners of the Navy. *Encloses* extracts from Mr. Bridger's letters relating to Naval Stores and waste of woods in America. The Council of Trade and Plantations are of opinion with Mr. Bridger, that a quantity of hemp-seed should be sent over to him to be distributed among such of the inhabitants as will oblige themselves to sow the same. If the Commissrs. of the Navy should have anything to offer on this subject, you will be pleased to communicate the same as soon as possible. [C.O. 324, 10. pp. 270, 271.]

Sept. 23. 392. *Same* to Mr. Burchett. *Encloses* extracts as in pre-  
Whitehall. ceding. [C.O. 324, 10. p. 270.]

Sept. 23. 393. Council of Trade and Plantations to the Bishop of  
Whitehall. London. Finding by the 12th Article of the Treaty of Utrecht that the French King was to take care to have deliver'd to the Queen on the same day that the ratification of the said Treaty was to be exchanged, solemn and authentick letters or instruments by virtue whereof it was to appear that the Island of St. Christophers was to be possess'd alone hereafter

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by British subjects. As likewise all Nova Scotia or Accadie *etc.*, we desire your Lordship will please to inform us, it being for H.M. service whether your Lordp. has seen any such authentick letters as above mentioned and if your Lordship have a copy of any of them that you would please to favour us with a transcript thereof. [*C.O.* 153, 13. *pp.* 433; 434.]

Sept. 23.  
Fulham.

**394.** Bishop of London to the Council of Trade and Plantations. *Reply to preceding.* At the exchange of the ratifications of the Treaty *etc.* made May 9 N.S. 1713, the French Plenipotents. put into the hands of the E. of Stafford and mine the Act of Cession of St. Christophers and Nova Scotia, as also two letters to the same purpose, which we transmitted the next day to the then Secretary of State, *etc.* *Promises to transmit copies.* *Signed,* Joh. London. *Endorsed,* Reed. 24th. Read 25th Sept., 1719.  $1\frac{1}{2}$  *pp.* *Enclosed,*

394. i. (a) Act of Cession of St. Christophers, Nova Scotia and Port Royal, by France to Great Britain, in conformity with the 12th Article of the Treaty of Utrecht. Marly, May, 1713. *Signed,* Louis, *Countersigned,* Phelippeaux.

(b) M. Pontchartrain to M. le Marquis de Vaudreuil, Governor of New France. Instructions to conform to the cession of Accadie, Newfoundland and Hudson's Bay to Great Britain *etc.* Marly, 6th May, (N.S.), 1713. *Signed,* Pontchartrain.

(c) M. Pontchartrain to Monsr. Phelippeaux, Governor of the French Islands of America, at Martinique. Instructions to conform to the cession of St. Christophers *etc.* *Signed as preceding.* French. *The whole,*  $3\frac{3}{4}$  *pp.* [*C.O.* 217, 2. Nos. 90, 90. i. ; and (without enclosure) 218, 1. *p.* 453.]

Sept. 29.

**395.** Office expences of the Board of Trade, June 24-Sept. 29, 1719. *v.* Journal of Council. [*C.O.* 388, 77. Nos. 65, 67, 69.]

Sept. 29.  
Whitehall.

**396.** Mr. Popple to Governor Hamilton. *Acknowledges* letters of 11th and 21st March, — May, 5th June, 20th & 24th July, 1719. *Continues :* The Council of Trade and Plantations command me to acquaint you, that upon what you writ 19th Dec. 1718, H.M. was pleased to dismiss Mr. Bramble and to appoint John Cochran, William Irish and Richard Cooke to the Council of Montserrat *etc.* *Encloses* copy of Order in Council, 9th July. *Continues :*—But as you say, that you intend to have the said Bramble sworn again into ye Council of Montserrat, I must observe to you that by your Commission you are forbid to do it unless the number of the Council be under seven. And in that case you can but fill up to the sd. number of seven ; and further that the places of those persons who are absent by

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leave, are not to be esteemed as vacancies, unless they stay beyond the time limited by the said licences, without a special leave from H.M. Their Lordships are surprized at the concern you express for being required to perform certain of your Instructions which you say were never done by former Governors, and that it is almost impossible for you to comply with, by reason that several of the matters thereby required of you are to be done by other persons. You are to consider that any omission or neglect of former Governors will not justify you in doing the same, and that you are to take care that all H.M. Officers under your Government do perform their duty, more especially in such matters as are particularly injoin'd you by your Instructions. If any Officers neglect or refuse to perform such their duty there is no doubt but that you may not only suspend them from their office till H.M. pleasure be known, but that upon a prosecution they might forfeit their office. This is to be understood of the constant regular course of business in their respective offices, but in extraordinary cases, as for instance, when a collection of all the laws is required, it might be a hardship upon the Secy. to put him to that expence and trouble, without a suitable gratification, and therefore their Lordships think the charges ought to be born by the Assembly, which cannot be so great as to require a tax to be levy'd for it, as you have mention'd; They therefore expect all the papers and accots. which are required of you by your Instructions, and particularly the accots. of the Revenue, which you have been so often put in mind of. Their Lordships likewise desire such further accounts as you shall be able to procure of the French, Dutch, Spanish, or other foreign settlements in those parts. Their Lordships have laid before the Lords Justices, what you writ, 19th Dec., in relation to the soldiers deserting to St. Eustachia *etc.* *Encloses* correspondence (v. 17th Aug.) Commissaries being appointed to go to France to regulate and settle several matters left undetermin'd by the Treaty of Utrecht. Their Lordships desire from you a very particular accot. relating to the hostages at Martinique, and especially how much the Island of Nevis have contributed from time to time towards the subsistence of them or any of them and whatever else you think may be of use upon this occasion in relation to the Capitulation of Nevis, and that you may be the better inabled to do this, I send you a copy of a Memorial from Monsr. D'Iberville that you may give an answer to each paragraph, and particularly to that, wherein he makes demands for subsisting the said hostages; This their Lordships desire to have wth. all possible speed, and that duplicates thereof be sent by different conveyances. As this is a matter of consequence, and which requires all haste imaginable their Lordships do not doubt of your punctual observance hereof. Your answer to their Lordps. 7th Quære (20th July) do's not answer their



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expectation, what their Lordships desired, was, that besides the Naval Officers Lists, you wou'd inform them how many ships, and what number of seamen do properly belong to each respective Island, with your observations, where such ships were built, and of what burthen. You say in your answer to the 9th Quere, that the produce of the Islands for about two years past, have amounted to about £242,577. What their Lordships desire upon this Art. is that [*you*] wou'd let them have annually, particular accots. of the quantity of the several species of commodities produced in each Island, separate and distinct. The Board never received the Act you mention'd to have been passed at Montserrat for settling the liquor duty on the Lieut. Govr. Talmash and therefore they desire to know whether that Act is still in force, or whether any other has been pass'd since, and whether Mr. Talmash receives that duty, and lastly that you wou'd send their Lordships a copy of the said Act. [*C.O.* 153, 13. *pp.* 434-440.]

Sept. 30. **397.** Mr. Popple to Mr. West. Encloses, for his opinion  
Whitehall. thereon, several Acts of Antigua, Nevis and Montserrat, passed in 1714, 1717, 1719. List annexed. [*C.O.* 153, 13. *pp.* 440-443.]

Sept. 30. **398.** Council of Trade and Plantations to the Lords Justices.  
Whitehall. *Recommend* Richard Lightfoot to fill a vacancy in the Council of Barbados by the death of John Mills, "he having been recommended to us as a person of good estate and well affected to H.M. Govt." *etc.* [*C.O.* 29, 14. *p.* 13.]

Sept. 30. **399.** Mr. Popple to Mr. Carkesse. *Encloses* extract of letter  
Whitehall. from Mr. Bridger, 26th June, relating to the woollen manufacture in New England *etc.*, and cotton imported thither. The Council of Trade and Plantations desire the Commissioners of H.M. Customs will give orders to their officers in New England to return accots. from time to time of what manufactures they find in those parts, and that they may have copies thereof. [*C.O.* 5, 867. *pp.* 304, 305.]

[?Sept.] **400.** Governor Rogers to the Council of Trade and  
Nassau Plantations. By the date of this I make no doubt but you'll  
on believe that I omitt no opportunity whereby I can informe  
Providence. your Lordships *etc.* Since the *Deal Castle* leaving us, the *Rose* and *Shark* call'd here lately for wood and water and return'd to cruize off the Havana, near which place several of the Jamaica privateers and some of ours are cruizing, whereby I hope that the Spaniards will find sufficient employ to guard their own coast and traders. This letter comes by Mr. Beauchamp, first Lieut. of the Independent Company *etc.* *Hopes* for his confirmation as Secretary *etc.* and refers to him for

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information. *Signed*, Woodes Rogers. *Endorsed*, Reed. 26th Oct., Read 4th Dec., 1719. *Without date*.  $1\frac{3}{4}$  pp. *Enclosed*,

400. i. Minutes of Council of the Bahama Islands, 19th May —9th July, 1719. *Same endorsement*.  $10\frac{1}{2}$  pp.

400. ii. Duplicate of No. 209. [*C.O.* 23, 1. *Nos.* 19, 19. i., ii.]

Oct. 1.  
Custom Ho.,  
London.

**401.** Mr. Carkesse to Mr. Popple. The Commrs. of Customs will give orders *as desired*, *Sept.* 30th. *Signed*, Cha. Carkesse. *Endorsed*, Reed. 1st., Read 2nd Oct. 1719. *Addressed*. 1 p. [*C.O.* 5, 867. *No.* 53.]

Oct. 1.  
Placentia.

**402.** Lt. Govr. Gledhill to the Council of Trade and Plantations. Since my arrival here I've visited most of the harbours of this Island *etc.* This humble proposal I lay before your Lordship meets with the approbation of every fisherman here, who thinks 'twoud be very essential to restore the fishery to as great a pitch as ever. Your Lordship please to observe what vast distance it is from the principal ports, St. Johns from this place is 240 miles by sea and but 75 by land, and generally 6 weeks passage, so that generally there's a greater difficulty in knowing what is done there than hearing from England. *Proposes* to cut a road through the woods *etc.*, employing some of the troops *etc.* *Signed*, S. Gledhill. *Endorsed*, Reed. 13th, Read 19th Nov., 1719. 2 pp. *Enclosed*,

402. i. Sketch map of Newfoundland. 1 p. [*C.O.* 194, 6. *Nos.* 70, 70. i.]

Oct. 2.  
African Ho.

**403.** John Evans to Mr. Popple. *Encloses* following. *Endorsed*, Reed. 3rd Oct. 1719. Read 17th Feb., 1720.  $1\frac{3}{4}$  pp. *Enclosed*,

403. i. Royal African Co. to the Council of Trade and Plantations. *Reply to 17th Sept.* The Dutch carry great numbers of negro slaves to Eustatia, where they dispose of them to the English Plantations and take in return sugars and other commodities, the product of those Plantations, which they carry directly to Holland, *etc.* As to your Lordships' information, that the Leeward Islands are not so well supplied with negroes by the English African traders as they used to be, the entries of slaves into these Islands are not in our power; but the more negroes are clandestinely brought in the fewer will be fairly imported *etc.* We cannot doubt but yor. Lordships will reflect, that so far as this clandestine trade is carryed on, so much the Plantations are become independant on this Kingdome. *Signed*, By Order of the Court of Assistants, John Evans, Secretary.  $1\frac{3}{4}$  pp. *Enclosed*,

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403. ii. John Helden, Collector of Customs, St. Kitts, to the Court of Assistants of the Royal African Company. London, Sept. 19th, 1719. *Reports* trade in Dutch negroes as above. *Continues*:—I seized several of those negroes in St. Christophers and brought them to tryall as Dutch merchandize illegally imported, but the Judge of the Admiralty have always acquitted them *etc.* *Signed*, John Helden. 1 p. [C.O. 388, 21. No. 219; and (without enclosures), 389, 27. p. 360.]

Oct. 2.  
Whitehall.

**404.** Council of Trade and Plantations to the Lords Justices. *Narrate* Mr. Weir's information as to an intended attack upon St. Vincent's by the French and their proposal to settle upon Sta. Lucia (No. 384. i.) *Continue*: We have discours'd with him, and he has confirm'd to us, what he wrote, and added that before he left Martinico Monsr. Martin was arrived *etc.* *Recapitulate* English claim to Sta. Lucia and St. Vincent. (*cf.* C.S.P. 1708, 1709. No. 554. i. *etc.*) *Continue*: As it appears to us by the severall papers mentioned that H.M. title to Sta. Lucia is fully demonstrated, antecedent to any pretence made by the French; we humbly crave leave to take notice of the great importance the preservation of ye said Island may be of to this Kingdom. 1st Because the wood and timber upon it, which has been constantly fetch'd from thence to Barbados, is of absolute necessity to that Island as well for H.M. Forts there, as for all private occasions. 2nd The possession of it by any foreign nation might be of the utmost ill consequence to the other Islands belonging to H.M. in those parts; Because there are at Sta. Lucia two very good harbours for ships; and all ships from Barbados are oblig'd to pass to leeward, and for the most part in sight of that Island. Besides the soil of Barbados and of some others of our Sugar Islands is so worn out, that it does not now produce sugar canes without great charge in manuring, and the land at Sta. Lucia being fresh and not exhausted may produce such large crops of sugar without the expence of manuring, that if it shou'd be planted by any foreigners it wou'd prove of very great prejudice to Barbados and the rest of our Sugar Plantations. Upon the foregoing considerations both of right and interest the following Instruction was given by his late Majesty King William to the Govr. of Barbados in 1699 and the same has been continued ever since, vizt., Instn. 106 "If any the subjects of a foreign Prince or State have already planted themselves upon any of the Islands of Sta. Lucia, Dominico, St. Vincents, or Tobago, or shall hereafter attempt to do the same you are to assert our right to the said Islands exclusive of all others, and in order to hinder ye settlemt. of any Colony there you are to give notice to such foreigners, that shall pretend to make such

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settlements, that unless they shall remove within such time as you in your discretion shall assign, you shall be oblig'd by force to dispossess and send them from off the said Islands." (*cf.* C.S.P. 1699. No. 939. i.) We therefore humbly crave leave to offer unto your Excellencies that care may be taken in such manner as your Excellencies shall think most proper to maintain H.M. right to the foresaid Island of Sta. Lucia, and to hinder the French from settling upon it. *Autograph signatures.* 7 pp. *Enclosed,*

404. i. Thomas Weir to the Council of Trade and Plantations. Sta. Lucia. [Copy of No. 384. i.]

404. ii. Two copies of Treaty between William Lord Willoughby of Parham, Governor of Barbados *etc.*, and several of the chief Captains of the Island St. Vincents. v. C.S.P. 1668. No. 1717. 2 pp. [C.O. 260, 3. Nos. 1, 1. i., ii.; and (*without enclosures*) 29, 14. pp. 14-20.]

Oct. 4.  
Hamoose  
near  
Plimo.

**405.** Governor Hunter to Mr. Popple. On the 24th of last moneth we were put in here by contrary winds which have continued so to this hour, so I judg'd it necessary to send to their Losps. the Minutes of our last Session of Assembly at N. York *etc.* Untill we came within 100 leagues of land I could not stir off my bed but have ever since that time recover'd wonderfully that I am now in full hopes of a totall recovery *etc.* I intend for the bath as speedily as may be and hope to return to ton in full vigour by the season of buss'nesse *etc.* *Expresses friendship and gratitude. Signed, Ro. Hunter. Endorsed, Reed. Read 8th Oct., 1719. Holograph. 1½ pp. Set out, N.Y. Col. Docs. V. 531. [C.O. 5, 1051. No. 99; and first sentence only 5, 1124. p. 119.]*

[Oct. 6.]

**406.** Petition of Zeechariah Richardson and Rebecca his wife to the Council of Trade and Plantations. *Pray that the Act of Pennsylvania, 1718, for vesting the house etc. of William Clarke decd. in trustees, to be sold for payment of his debts, may not be confirmed.* The property in Philadelphia was settled on Rebecca and her first husband, Clark jr., and their issue. The settlement was in consideration of £3,000 to be had by Clarke on his marriage with Rebecca. This Act was passed whilst they were in Barbados. It is a stratagem of Andrew Hamilton, the tenant, to prevail upon them to sell the house. Clark senr. left estate sufficient to pay his debt to William Howson, for which Clarke junr., decd., was bound. The three children of the marriage are deprived of their maintenance by this Act, *etc.* *Endorsed, Reed. 6th, Read 7th Oct., 1719. 1½ pp. [C.O. 5, 1265. No. 131.]*

[Oct. 6.]

**407.** Petition of *Same to Same.* *Pray to be heard against above Act. Same endorsement. ½ p. [C.O. 5, 1265. No. 132.]*

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Oct. 6.  
Whitchall.

**408.** Mr. Delafaye to the Earl of Stair. *Encloses Representation concerning the French settlement at Sta. Lucia. Continues:* The Lords Justices direct you to enquire into this matter and to send such informations as you shall be able to procure concerning it to my Lord Stanhope to be laid before H.M. *etc.* *Signed*, Ch. Delafaye. *Copy.* 1 p. *Enclosed*,

408. i. Copy of No. 404. [C.O. 253, 1. Nos. 4, 4. i.; and (duplicates) 6, 6. i.]

Oct. 6.  
Whitchall.

**409.** Mr. Delafaye to Mr. Pulteney and Col. Bladen, H.M. Commissaries at Paris for matters relating to the Colonies in America. *Similar* letter to that to Lord Stair *supra*. *Signed*, Ch. Delafaye. *Copy.* 1 p. [C.O. 253, 1. No. 5.]

Oct. 7.  
Navy Office.

**410.** Commissioners of H.M. Navy to Mr. Popple. *Reply to letter of 23rd Sept. with extracts from Mr. Bridger's letters.* The preservation of masts and all sorts of timber trees, as well as the propagation of Naval Stores in generall, in America, is of very great importance to H.M. service, and chiefly depends upon a diligent and skilfull Surveyor of H.M. woods, supported by the Governments in the Plantations, and we hope they will be instructed, to take care of preventing the abuses complain'd of by Mr. Bridger and Mr. Taylor *etc.*, by prosecuting the offenders *etc.* This may be a means to preserve all pines, as well those under, for a constant supply, as those above 24 inches, of which we think especial care should be taken, as well as that no tree should be cut to wast, but each converted as occasion shall serve by a skilfull hand, to the uses it naturally grows for. And we are further of opinion that if some restrictions were laid upon the saw mills, it might greatly conduce to the hinderance of the unlawfull distruction of timber. It's true that the making tarr and turpentine, occasions a great consumption of trees, but the necessary wast made herein, should be remedied if possible, and the tarr and turpentine improv'd, that they might be fit in every respect for the service of the Navy. As to Mr. Bridger's proposition of paying quitt rents in masts *etc.*, we fear the charge of bringing them over on the King's account, will be near as great to H.M., as the prices we have them by contract for. *Approve* suggestion of sending hemp-seed *etc.* To obtain a constant supply of Navall Stores, equal in goodness to those of any other Nation, from H.M. own Dominions, may deserve great encouragement, that this Nation may not be put to streights, or render'd destitute of them, upon differencies with any forreigne powers. We fear the woods in America are at present very much neglected *etc.* Recommend the appointment of a qualified Surveyor, known to that country and a shipwright, *etc.* *Signed*, J. Aeworth, T. Holmes, J. Fawler, Wm. Clerland, Tho. Colby, Jno. Swanton, R. Hampden. *Endorsed*, Reed. Read 8th Oct., 1719. 3 pp. *Enclosed*,

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410. i. Extract of letter from John Taylor, mercht., to [? *Commrs. of the Navy.*] 7th Feb. 1717. As to what I mentioned of the difficulty to have masts as formerly in New England. My Factor there writes me that abundance are fell'd for board logs *etc.* and one that was at Piscataqua at Michas. last tells me he then saw some thousands of logs lying in the river and on the banks, which were cover'd with them for 3 miles at least; where are 10 or 11 mills continually employed in cutting beams, plank *etc.* for all uses. They were 24 to 40 in. diameter. They not only supply our Plantations but send great quantities to Portugal, Spain, *etc.*, and to the coast of Barbary. that if a stop is not soon put to it, the masts for H.M. service will not be had. I now give as much for them as I did in warr, when it was an extra charge to have a guard against the Indians. and can find but one sett of men that will undertake it.  $\frac{3}{4}$  p. [C.O. 5, 867. Nos. 54, 54. i.]

Oct. 8.  
Whitehall.

411. Mr. Popple to Governor Lowther. *Acknowledges* letters of 9th May, 9th Nov. 1718, and 30th May, 1719. *Continues*: As there is very little in them that requires any particular answer at present, the Council of Trade and Plantations only command me to acquaint you that a Commission impowring you to try pirates was sent to you by Mr. Secretary Craggs with his letter of 24th Dec. 1718. Their Lordships have had under considern. the Act to *impower licentiate lawyers etc.*, as also what you write thereupon, in order to their laying that Act before H.M. at a convenient opportunity, but their Lordships have as yet only thought proper to let it lie by as probationary. As Mr. Lillington is not yet arrived, I have nothing to add but that their Lordships have had a letter from America in July last informing them of the *French design to settle on Sta. Lucia* (v. 20th June) *etc.* Their Lordships. are very much surpriz'd they have heard nothing from you upon this matter which is of such importance that they think you ought not to have neglected it. Their Lordships. are surpriz'd you have not yet given them any account of the death of Mr. Mills, tho' it is many months since they have had certain advice of it by other hands *etc.* They have reeommended Mr. Lightfoot in his room *etc.* [C.O. 29, 14. pp. 21, 22.]

Oct. 8.  
Whitehall.

412. Mr. Popple to Mr. West. *Encloses*, for his opinion, Act of Pennsylvania for *vesting the estate of William Clarke* in trustees *etc.* and Mr. Richardson's petition against it *etc.* [C.O. 5, 1293. p. 224.]

Oct. 12.  
New  
Hampshire,  
Portsmouth.

413. Mr. Bridger to Mr. Popple. In obedience to their Lordships commands, 20th March, I shall take all possible care to preserve H.M. woods *etc.*, and am now regulating the affairs

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of the woods for this winter, *etc.* Mr. Elisha Cooke has this last General Court obtained a confirmation of an old grant made before Mr. Usher purchased the Province of Main in 1677 for 500 acres of land. Mr. Cooke goes into the woods in sd. Province without the township with one of my Deputies in a particular spot of large fine mast trees (which was by information of some of Cook's creatures) and in order there to lay out or take up ye 500 acres, and offered it to sale to my Deputy for £500, but he being cautious of buying the King's lands, and woods, has now acquainted me therewith and I have prevailed so far wth. him as not to concerne himself farther. Mr. Cooke has wrott him since and urged him much to buy it, being in want for money offered to abate considerably, but he still declines it, and so now 'tis any one's that will buy it, and all those fine large trees will be cut into logs by the purchaser. I viewed this very spot of timber last winter, which is the best I have yet seen: This is most certainly H.M. woods, if there are any such. By this may appear the loyalty of the Massachusetts Government and what H.M. may depend of for the future supply of his Royal Navy; by this appears also that H.M. has no woods, nor his Surveyor any busines here as has been by some asserted. By this grant of the Genll. Assembly it appears that the Governmt. has taken up the stafe against me, and that the dispute betwixt Mr. Cooke and the Surveyor is drop't; and I fear without some speedy assistance, I shall have the worst end, and be forced to resigne wch. I am not inclined to at present. There's much the same case in this province; these townships being granted by the Massachusetts near 70 years since, this very town of Portsmo. was than thought to smal, and therefore granted to the said town another grant, for a tract of land 10 miles long and five miles over, wch. never yet has been setteled, lying up in the woods above all other towns and in the middle of ye pine timber, which will be very distructive to H.M. intrest and the [*?woods*] near them. The old grant is now designed to be settled by this town. There is at this time and in this Province two more townships laying out, one ten miles square, the other about six, which I designe to visite in a short time *etc.* *Prays* that he may have a reward or salary for his services since 19th June, 1717. I have heard that H.M. is to buy this Province, if so, *prays* to be appointed Receiver General *etc.* *Signed*, J. Bridger. *Endorsed*, Recd. 20th Nov. 1719. Read 5th July, 1722. *Addressed*. 2 pp. [C.O. 5, 868. ff. 241, 242.]

Oct. 13.  
H.M.S.  
Swallow at  
St. John's.

**414.** Commodore Ogle to Mr. Popple. I have made the strictest enquirys into the irregularitys complain'd off in the Newfoundland Fishery, and find its not without very good reason, such complaints are made, the Admirals of the severall harbours have no manner of regard to the Act of Parliament further then what sutes their own private interest, and are

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generally the greatest discouragers of the poor inhabitants, notwithstanding the voyages have prov'd very discouraging for some years past. If the inhabitants have not wherewithall to answer their engagements the Admirals and Masters of fishing ships seize all the fish and other effects before the voyage is at an end which vile practice prevents the servants prosecuting the fishing voyage to the utter ruin of the inhabitant, such methods are us'd in all the ports where H.M. ships do not remain, and were it possible to visit every harbour, yet the Admirals have no manner of regard to the orders given them by the Commanders of H.M. ships longer then they remain to enforce them. The constant, but pernicious practice of rinding trees is not to be prevented unless some person remaining in the land be impowred to prevent such irregularities, the season of rinding being in April and May, and no longer. To prevent the New England traders carrying off such numbers of fishermen I did at my arrival order bonds to be taken from all the commanders of vessells belonging to New England in £500 *etc.* (v. No. i), which I take to be much the better way than to detain them till my departure, it's only giving them an opportunity of returning to St. Johns as did one Thompson that Capt. Scott carried out with him *etc.* One such bond put in execution would be sufficient to break the trade *etc.* Encloses his orders to the Admirals to assemble the antient inhabitants and survey the rooms belonging to the planters and fishing ships, but finds that by the neglect of the fishing admirals for many years past no true account can be obtain'd, the commanders of fishing ships choosing to hire from ye inhabitants, flakes, stages and rooms, rather then build on such places as properly belong to them, nor are the admirals and planters capable of making proper surveys, so that unless some man be appointed capable of such an undertaking their Lordships cannot have a true account of the planters and ships rooms, where it but obtaind would be a means of preventing abundance of disputes. Severall ships from France and Portugall still continue to import wines, brandy, *etc.* the product of those Kingdoms, but as those ships generally arrive before any of H.M. ships, they take care to dispose of those commodities, so that they are not to be found, nor is it easy to get sufficient proof to condemn such vessells as are only suspected. *Has seized* the *Catherine* from Nanz, Martin French commander, as being a French ship laden with French goods, and having no papers, *etc.* I shall send proper evidence by H.M.S. *Seahorse*. This being the first seizure of that kind ever made in Newfoundland, will I hope be a means to prevent that illegall trade. I have in this affair govern'd myself by the Act 15 Charles II *etc.* I cannot learn that any ship belonging to France have attempted to fish on any part of Newfoundland, excepting at Grand Bay, where the St. Malo men resort yearly, and seldom



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less than 60 ships use that trade. *Refers to enclosed scheme.* The occasion of complaints of our fish from Lisbon is the boat-keepers making but indifferent voyages endeavour what they can to make their fish weigh heavy, by not giving it time to work in faggots on the flames before they heave the same into press pyle, and the often repacking their piles without letting it lye to work out the salt is the only occasion that makes the fish when it comes to be thrown in the sun to appear very white, but after three months lying in a bulk turns black and very subject to rot, *etc.* There is lately an attempt at setting up a salmon fishery to the noward of Cape Bonavist by one Wm. Keen a merchant in this place by whom I am inform'd that for three years last past he has caus'd to be taken 700 teirces of salmon and this season 900 quintlls. and doubts not to improve that fishery, *etc.* The furring trade the last year prov'd of very great advantage to the inhabitants of Bonavist, many persons having taken to the value of £40 sterling pr. man for the winter's season, all the furs so taken is sent to Great Britain by the Poole and Limington ships using that trade. The seil fishery to the northward is likewise of very great advantage and greatly encouraged by Mr. Keen, who yearly purchases all of that commodity, and sends for Great Britain. It's to be hoped that in a few years the inhabitants will be capable (especially those at the northward) to make the voyage of furring and seil fishing more to their advantage than the cod fishing has been for many years, and indeed if it were not for those helps it would be impossible for so many people to live for the flesh or rather fish of the said seil serves them instead of English provisions. You will be pleas'd to acquaint their Lordships that I know of no way so effectual to prevent the irregularities yearly practiced in this trade unless it be by appointing some gentleman residing in Newfoundland the winter season to be judges of the respective harbours, *etc.* It is a pitty so many of H.M. subjects inhabiting a place so advantageous to trade should be left to themselves to comit such outrages as they do, and no person to call them to account. To which end I must recommend Mr. Keen a merchant that has resided here 15 years *etc.* I am informed that Henry Edwards at Cariboncar, Christopher Sheppard at Bonavist may be intrusted with such a power, the other parts are so small and near at hand that officers in those places might be sufficient to serve the whole. *Signed, C. Ogle. Endorsed, Recd. 24th Nov., Read 17th Dec., 1719. 3 pp. Enclosed,*

414. i.—vi. Copies of six bonds in £500 by masters of New England sloops only to carry out of Newfoundland the crews brought with them, *etc.* *Signed, respectively, Jno. Smith, Jno. Dearing, Roger Dench, Jno. Hubbart, Foxwell Curtis, Thomas Arnold, 25th Aug.—5th Oct., 1719. Endorsed as preceding. 6 pp.*

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414. vii. Scheme of the Fishery of Newfoundland, 1719. Fishing ships, 69 ; sack ships, 28 ; ships from America, 22. Tuns, fishing ships, 5945 ; sack ships, 2660 ; ships from America, 1230. Men belonging to, fishing ships, 1523 ; sack ships, 370 ; ships from America, 181. Passengers, on fishing ships, 1090. Boats kept by the fishing ships, 222 ; by byboatmen, 117 ; by inhabitants, 341. Number of byboatmen, masters, 146 ; servants, 885. Quintals of fish made by, fishing ships, 42,180 ; by byboats, 19,969 ; inhabitants, 32,450. Quintalls of fish carried to foreigne markets, 94,479. Train oyle made by, fishing ships, 175 tunns ; by byboats, 89 ; by inhabitants, 129. Price of the fish 26 ryals pr. quintal ; of the oyle £18 pr. tunn. Number of stages, 331 ; of trainfatts, 280. Inhabitants, masters, 264 ; menservants, 1,346 ; mistresses, 172 ; women servants, 81 ; children, 466. *Total*, 2,329. Remained in the country last winter, 1752. *Same endorsement*. 1 p. [C.O. 194, 6. Nos. 71, 71 i.—vii.]

Oct. 14.  
Antigua.

**415.** Governor Hamilton to the Council of Trade and Plantations. I was in hopes that by this time I should have been able to have sent the number of inhabitants *etc.* required by your letter of 24th April, but notwithstanding my utmost endeavours I have not been able to get them completed. *Refers to orders (v. July 20)* issued to the several Officers for delivering their accounts and returning lists. *Continues* : Many of the latter have been delivered to me but they are in such a confused indigested manner that I shall be obliged to order the same to be done de novo, it being impossible to range them into any tolerable method from what has been sent me, the truth of which your Lordships will perceive by a letter that I the other day received from John Davis, Esqr. President of Saint Christophers without date *etc.* (*Encl. i.*) The trouble that accrews to me upon this occasion is incredible, for I am obliged not only to issue orders, but to act the part of a Clerk likewise in methodizing almost everything that is to be done by the Constable and other officers, which your Lordships may believe is no very easy task. There is hardly one return that will answer your Lordships intentions which gives me great concern fearing your Lordships may think I have omitted what was necessary to be performed on my part, but as I can with great truth aver the contrary ; so I must pray your Lordships will be pleased to excuse the same, until I have either returns from the Constables as well as others to whom I shall forthwith give fresh directions, and at the same time send them a form for taking their lists. The Governours of other Islands, whose sallarys are much greater, and their posts in all respects far

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preferable to that of these Islands have not a tenth part of the trouble that I have, and if your Lordships will please to consider it ever so little, you will soon be convinced of the truth thereof. Jamaica and Barbados have but an Assembly in each of them, so the Governours thereof have but small trouble in supporting the Prerogative, and observing your Lordships' commands, every thing being immediately under their own eyes, but in these Islands the Governor is obliged not only to write five times as much as either of the others, but even often to have disputes with the Assemblys of each of these four Islands in regard every one of them do endeavour to get laws made that will best answer their purposes ; and if a Governour refuses to assent to what is proposed and desired by each of them it infallibly creates him enemies some of whom upon very slender pretences will give great uneasiness by preferring complaints of a most unjust and invidious nature. These I mention not with design to condemn or reflect on the form of Government that his most Gracious Majesty, and his Royal Predecessors have been pleased to settle in these Islands, or to screen myself from any just complaint that any one may have against me, but to demonstrate to your Lordships how much more trouble a Governour must have in these Islands than in other places not so separated. *Encloses* duplicates of two Acts past in St. Christopher's in March last, the one intituled *An Act for the general quiet of the inhabitants of the Island of St. Christopher's in their estates and possessions, and for avoiding vexatious law suites.* The other intituled *An Act for holding the Courts of King's Bench and Common Pleas of the Island of St. Christophers at Sandy Point and Basse Terre.* The originals were assented to by me in May last and returned to the President in order to be published and recorded with directions to have them sent back to me by the first conveyance in order to be forwarded to your Lordships within the time limited by my Instructions, but it was impossible for me to send them sooner, *etc.* *Quotes Encl. i. Continues :* I send your Lordships the originals as well as the duplicates to let you see the condition in which I received them ; how the accident happened is not known, but 'tis supposed to be done by the Clerk of the Assembly, whilst he had them to enter on their books. About that time he had the misfortune to be deprived of his senses, and is still in a distracted condition. I have no observations to make to your Lordships on either of these Acts, the one of them being recommended formerly by your Lordships upon some objections that were made by the late Attorney General to an Act of the like nature, those objections I laid before the Council and Assembly, and I hope they have taken care to avoid inserting anything that may make it liable to objections at this time but least it should I have taken care to have a clause inserted to prevent its taking place until it shall be confirmed by H.M.

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The other Act is only for the ease of the inhabitants in appointing places for holding their Courts, and can no ways in my opinion affect the Crown or prejudice any private person, for which reason I have consented to without any reservation. The Council and Assembly of this Island are now revising the Acts of this country in order to have them collected and printed if your Lordships shall approve thereof, after they are laid before you. I shall hasten the work all I can, and as soon as it is completed a duplicate thereof shall be made and transmitted to your Lordships. P.S. The accounts of the Treasurers are not yet come to hand but I expect them before long with those from the storekeepers of the arms and ammunition all of which I shall forward with the list of the inhabits. and other papers as soon as they can be got ready. *Signed*, W. Hamilton. *Endorsed*, Recd. 24th Dec., 1719. Read 27th June, 1721. 5 pp. *Enclosed*,

415. i. John Davis, President of the Council of St. Christophers, to Governor Hamilton. *Without date*. I herewith send the two Acts (*v. preceding*), wch. were so damnified and shattered after publication, that I was oblig'd to get them new ingross'd, and that three times before they were perfect *etc.* I was in hopes of sending the other three bills amended, according to your Excellency's directions, but they are not ready. Publick affairs are very much obstructed by the backwardness of our Assemblys meeting and when they do, its very late so that the afternoons are spent very fruitless, and I see but little hopes of amendment *etc.* *Encloses* Constables returns, or list of the inhabitants *etc.* They are but indifferently as well as slovenly drawn but its as much as can be expected from them knowing what sort of men wee are fore't to put into that Office. After your Excellency left this Island I tendered Mr. Biss the Commission that was left for him but he would by no means accept of it so have since got Mr. Peter Thomas to accept of a Commission to command that part of the troop of horse that is in Basseterre Quarter, provided he may be elder or Capt. Lieutenant, *etc.* Hope to be honoured with H.E.'s presence *etc.* *Signed*, J. Davis. *Endorsed as preceding*. Copy. 1 $\frac{3}{4}$  pp. [C.O. 152, 13. ff. 56-61.]

Oct.  $\frac{17}{28}$ .  
Paris.

416. Mr. Bladen to Mr. Delafaye. Acknowledges letter of 6th Oct. *etc.* *Signed*, Martin Bladen.  $\frac{3}{4}$  pp. [C.O. 253, 1. No. 7.]

Oct.  $\frac{17}{28}$ .  
Paris.

417. *Same to Same. Refers to preceding etc. Continues*: I immediately waited on the Earl of Stair, who was of opinion with me that it would be very proper to lay hold of the first

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occasion in discourse to mention this matter to the Abbé Dubois, not as a formal complaint, but as a report to which we could not possibly give any credit; H.M. title to Sta. Lucia being so notoriously known, and the friendship of the two Nations established upon so firm a footing. In pursuance of this resolution, the Abbé Dubois coming last night to my lodgings, I mentioned the matter to him in the termes agreed on, but he absolutely denied, that this Court had ever entertain'd a thought of that nature, adding that if they imagined they had any pretensions to that Island, I might depend upon it they would proceed by making their application to H.M. for redress, and not by acts of open hostility. He acknowledged that there might be preparations making at Martinico, but that they were to be employed against the Spaniards only, to which I did not think proper to make any other reply, but that I allways believed the Regent had too much honour, and too much sense to allow of any Expedition against the territories of so good and so necessary an Ally, as his Majesty. But to return to Sta. Lucia, tho' I believe we have nothing to apprehend on that side from this Court, yet I shall continue to get the best information I can of the French proceedings in those parts *etc.* *Copy.* 1½ pp. [C.O. 253, 1. No. 8.]

Oct. 19. **418.** Governor Hunter to Mr. Delafay. *Announces* his arrival "from New York in a much better state of health then I left it" *etc.* Hopes to see him soon *etc.* *Signed,* Ro. Hunter. *Holograph.* 1½ pp. [C.O. 5, 1085. No. 26].  
 Longreach  
 7 miles below  
 Woolwich.

Oct. 20. **419.** Mr. Armstrong to the Council of Trade and Plantations. In Feb. 1703 the Assembly of this Province by their own act petitioned Mr. Allen the Proprietor and setts forth that the inhabitants have only claime to the property of such lands as is contained within their town bounds, which is less then one third part of the Province, but have nothing to offer as a greivance if the other two thirds are adjudged to Mr. Allen *etc.* Notwithstanding all this, the inhabitants yearly make great incroachments and takes up great quantities of the best wast lands without their townships whereon the most timber and masts fitt for H.M. service growes, their reason for so doeing, say they, If the King should purchase the wast lands, or put the Proprietor in possession thereof, then we are lock'd out there by our owne Act of Assembly, till then we will reserve all the best timber within our townships for our use, and destroy all without. The inhabitants now takes upon them to say, that neither the Proprietor nor ye Crown hath any right within their town bounds, *etc.* As the people are much more numerous then formerly the saw mills increase in proportion which has destroyed many thousands of good mast trees, and nothing can effectually secure the remainder but a proper Act of Parlia-  
 New  
 Hampshire.

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ment to keep the inhabitants to a steady obedience to observe orders sent from home for the preservation of H.M. woods, and likewise the bounding and settling the wast lands, and that such lands may be wholly invested either in the Crown or Proprietor *etc.* *Signed*, Rt. Armstrong. *Endorsed*, Recd. 14th Dec. 1719. Read 4th Aug. 1720. 2 pp. [C.O. 5, 867. No. 68.]

Oct. 21.  
Nov. 1.

**420.** Mr. Bladen to Mr. Delafaye. *Encloses* copy of the French commission, whereby the Marechal Detree and Abbé Dubois are impower'd to treat with H.M. Comrs. *etc.* v. Nov. 4. We proceeded to fix the method of treating. It was agreed to take the several matters separately in order the Treaty of Utrecht has ranged them, and at our next meeting we are to enter upon the pretensions of the Company trading to the Hudson's Bay. *Endorsed*, Recd. (from Mr. Pulteney) 29th Oct., Read 12th Nov. 1719. *Extract.* 1 p. *Enclosed*,

420. i. Copy of Commission of M. D'Estrées and the Abbé Dubois to treat concerning the French and English boundaries in America *etc.* v. Nov. 4th. *Same endorsement.* *French.* 3½ pp. [C.O. 323, 7. Nos. 165, 165. i.]

Oct. 22.  
Whitehall.

**421.** Order of Lords Justices in Council. Appointing Richard Lightfoot to the Council of Barbados, *etc.* *Signed*, Robert Hales. *Endorsed*, Recd. 22nd., Read 29th Jan., 17½. 1¼ pp. [C.O. 28, 15. No. 64; and 29, 14. pp. 39, 40.]

Oct. 22.  
Whitehall.

**422.** Extract of letter from Mr. Delafaye to the Earl of Stair. The Lords Justices transmit you the enclosed *etc.* *Copy.* ½ p. *Enclosed*,

422. i. Extract of letter from the Governor of Barbados to Mr. Secretary Craggs, 7th Aug. 1719. *Encloses* following deposition and letter formerly written by him to Lord Stanhope. *Copy.* ½ p.

422. ii. Deposition of Barnard St. John, Mariner. Barbados, 24th July, 1719. Deponent saw 3 sail of ships at Sta. Lucia, and going on board one of them, found there one Monsr. St. Martin, who showed him some papers and told him they were his commission to be Govr. of the said Island. He was told they had landed some guns there, in order to build a fortification, and that some people were come from Martinique to lay out plantations. *Copy.* ½ p.

422. iii. Extract of a letter from the Governour of Barbados to Lord Stanhope. Sta. Lucia is an Island belonging to H.M. and under my Government *etc.* It is extremely fertile, well watered and wooded, and hath a very good harbour, but the shoar all round the Island

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is so exceeding bold, and it hath such a great number of fine bays as renders it incapable of being so fortified but that an enemy may easily land without being annoyed thereby. The French make great havock of the wood which is much the best and most valuable in this part of the world, and the chief and only place from whence these Colonys are and can be supplied with timber at any moderate rate to build and repair their mills, houses and fortifications. *Copy.*  $\frac{3}{4}$  p. [C.O. 28, 39. Nos. 7, 7. i-iii.]

Oct. 22. **423.** Extract of letter from Mr. Bladen to the Earl of  
Nov. 2. Stanhope. I have been instructed by the Lords Justices to ascertain the truth as to the reported design of the French on Sta. Lucia *etc.* *French.* *Copy.*  $\frac{3}{4}$  p. [C.O. 253, 1. No. 9.]

Oct. 22. **424.** Council of Trade and Plantations to the Lords of the  
Whitehall. Treasury. *In reply to Sept. 16, repeat Feb. 16th, that Mr. Bridger deserves his salary etc.* *Continue:* Upon what he represents of the absolute necessity of preserving the woods from the spoile that would be committed in them by the people of New England, and more particularly since the notion lately spread there that H.M. had no right to the woods in those parts, we have always been of the same opinion *etc.* *Refer to representations of 3rd Feb., 1716, and 6th Feb., 1719.* *Continue:* We likewise agree with Mr. Bridger in his objection against Mr. Armstrong, and the Commissioners of H.M. Navy are of the same opinion *etc.* *Enclose copies of their letter, 7th Oct., and of Mr. Bridger's letters relating to the woods, naval stores and the woollen manufacture.* Upon the whole, we beg leave to recommend to your Lordships that a proper person be appointed for the preservation of the woods in America, it being of great importance to his Kingdom, and that incouragement for raising hemp be given, as is mentioned in the enclosed letter from the Navy Board. [C.O. 5, 915. pp. 306, 307.]

Oct. 24. **425.** Commodore Ogle to the Council of Trade and Planta-  
H.M.S. tions. Sends duplicates of 13th Oct. by H.M.S. *Seahorse*.  
*Suallow* at Signed, C. Ogle. *Endorsed*, Reed. 8th Jan., Read 5th April,  
Sea. 1720. 4 pp. *Enclosed*,

425. i.-vii. Duplicates of Nos. 414 i.-vii. [C.O. 194, 6. Nos. 80, 80. i.-vii.]

Oct. 25. **426.** Governor Hunter to [?Mr. Delafaye]. I was to wait  
London. on you whilst I was able to stay abroad, I am now under a necessity of going to Egham for a little rest, toward the losse of that nothing has contributed more then the inclosed letters (there are others on the same subject) relating to Rigg's conduct since my departure, *etc.* I beg you to make no other use of

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them but to sett him right under this infatuation for it can be nothing else, whatever becomes of me it can not eluse but hurt him, for there is not a man in these Provinces on whom I have lay'd more obligations, and putt my reputation and the continuance of your friendship which I value so much upon this single issue. I never refus'd any favour or service within my power that Coll. Riggs either ask'd or expected of me, and in word or act never did him directly or indirectly the least appearing or real hurt *etc.* P.S. I am sorry for the indiscreet zeal of ye Mayor in the intended prosecution but I shall putt a speedy stop to it. *Signed, Ro. Hunter. Holograph. 1½ pp. [C.O. 5, 1085. No. 27.]*

Oct. 26.  
Boston.

**427.** Governor Shute to Mr. Popple. I reeed. yours of the 23rd July att present I dont see any tendency towards the alteration you mention, but you may be assur'd yt whensoever it happens I will not be unmindfull of wt. you mention. If any of our fish or any thing else this country affords will be acceptable to you if you will let mee know it, I will send it. Mr. Dummer has acquainted mee yt. he has acquainted the Lords Justices as also the Lords of Trade and Plantations how yt act of the impost came to slip us and how strenuously I opposed it the next year and would not suffer it to pass with weh. account he tells me they are satisfied. I have reeed. also a large packett from the Honble. Board weh. I will send answers to so soon as I am well inform'd of the pertieulers mentioned weh. will take up some tyme to doe but shall endeavour to be as speedlay as possible weh. I desire you will acquaint theire Lordships with. *Signed, Samll. Shute. Endorsed, Recd. 1st Jan., Read 3rd Aug., 1720. ½ pp. [C.O. 5, 867. No. 64.]*

Oct. 26.  
Nov. 6.  
Paris.

**428.** Extract of letter from the Earl of Stair to the Earl of Stanhope. To same effect as Stair to Craggs, *No. 430. Copy. 1¼ pp. [C.O. 253, 1. No. 13.]*

Oct. 27.  
Nov. 7.  
Paris.

**429.** Extract of letter from Col. Bladen to Mr. Delafaye. I was not a little surprized to see the copy of a deposition from Barbados this morning in my Lord Stair's hands, relating to the actual seizure of Sta. Lucia by the French, espeecially after the answer I had received from the Abbé Dubois, but it seems he was very little informed of the state of this matter, for the Regent, with whom my Lord Stair had a conversation about it this morning, avows the fact and says the Marechal d'Etrées assured him the French had a constant possession and an undoubted right to the said Island by Treaty. My Lord Stair and I were not able to guess what Treaty this should be, and as the Regent did not fix the date, we were inclined to believe it might have been some private transaction of the peace makers



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of the late reign, but we have this evening seen the Marechal d'Estrées, who tells us the French claim the Island by virtue of some treaty or transaction in King Charles the Second's time, and that before this new lodgement, they had already above 100 families inhabiting in the said Island. You will easily imagine my Lord Stair and I were not a little surprized at so frivolous a pretence for so extraordinary an action in so critical a conjuncture; But we insisted with great temper that H.M. right to the Island of Sta. Lucia was notorious to all the world, that the English were the first discoverers, that they likewise purchased the Island of the natives, and that it had been from time immemorial a branch of the Government of Barbadoes, that we never had heard of such a treaty as the Marechal mentioned, that there had been indeed a Treaty of Neutrality in King James II's time, but that before and after that Treaty the English had claimed and kept possession of the Island, and that it had been a constant Instruction to the Governors of Barbadoes to suffer no person to dwell on Sta. Lucia that did not acknowledge H.M. right to that Island; to which I took the liberty of adding the Abbé Dubois answer to me, viz. that if the French had a pretence to the said Island, I thought we might have depended upon it (at least whilst there was a Treaty on foot for settling of boundaries) that application would have been made to H.M. for redress, and that the French would not have taken possession of the King's Dominions by force of arms. The Marechal seemed a little embarrassed, he confessed all his papers were not put in order, but that in a few days he would produce proofs of his title, for it seems it is the Marechal that has taken possession of the Island, and I presume he has a grant of it from the Regent. *Copy.*  $\frac{3}{4}$  p. [C.O. 253, 1. No. 14.]

Oct. 27.  
Nov. 7.  
Paris.

**430.** Extract of letter from Lord Stair to Mr. Secretary Craggs. I complain'd this morning to the D. of Orleans by order of their Excellencies the Lords Justices of the settlement the French have made upon the Island of Sta. Lucia. H.R.H. told me that it was very true that they had made such a settlement, but that he had been told, that the Crown of France had an undoubted right to that Island, and that the English had given up their pretensions to it by a Treaty: and assur'd me at the same time that if it appeared that the Crown of Brittain had a right to that Island, he would immediately order the settlement to be withdrawn. I went in the evening with Coll. Bladen to the Marl. D'Etrées, who told us that he would shew us very good documents that the French had an uncontroverted right to that Island, and that the English had acknowledged that right by a Treaty, and that he would shew us the papers in 2 or 3 days. I reckon we can say no more, till we have seen those papers. *Copy.* 1 p. [C.O. 253, 1. No. 15.]

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Oct. 27. **431.** Extract of letter from Mr. Bladen to [*? the Council of Trade and Plantations*]. To same effect as preceding. *Copy.*  
Nov. 7.  $\frac{3}{4}$  p. [*C.O.* 253, 1. *No.* 16.]  
Paris.
- Oct. 27. **432.** Mr. Bladen to the Council of Trade and Plantations.  
Nov. 7. *Refers to* enclosures relating to trade, and to letter to Mr. Pulteney,  
Paris. etc. v. Oct. 21st. *Continues:* My Lord Stairs and I have had another meeting with the Mareschall D'Estrees and Abbe Dubois, where the day was spent in discourses preparatory to ye method of fixing the boundarys for Hudsons Bay; and this day (if the Abbe Dubois health will permit him to come abroad) we shall deliver in the Company's demand upon that subject, in the terms of our Instructions, tho' I allready foresee some difficultys in the execution of this affair, there being at least the difference of two degrees between the best French maps, and that which the Company delivered us, as your Lordships will perceive by the cart *enclosed*, and I wonder that no person is yet come hither in their behalfe. I shall have occasion to trouble you more at large upon this particular in a post or two. In the mean time I am perswaded your Lordships will be as much surprised as I was (especially after what had passed between the Abbe Dubois and me) to understand that the French avow the taking of Saint Lucia, and say they are entituled to that Island by virtue of some Treaty in King Charles the second's time; but the Mareschal D'Estrees has promised to produce his vouchers in a few days, and I shall transmit them to your Lordships. *Signed*, M. Bladen. *Endorsed*, Reed. 2nd, Read 4th Nov. 1719. 2 pp. [*C.O.* 323, 7. *No.* 163.]
- Oct. 27. **433.** Mr. Bladen to Mr. Popple. If Mr. Pultney should  
Nov. 7. not be allready sett out for this place, you will be pleased to  
Paris. deliver him the enclosed, etc. P.S. Your Barbadoes affidavit was a very true one, and ye account of ye French designe on ye negros at St. Vincents was very well grounded, for they did attempt to carry off the negros from that Island, but were beaten off by them and obliged to return with the loss of thirty or forty men etc. *Signed*, M. Bladen. *Endorsed*, Reed. 2nd, Read 4th Nov., 1719. *Holograph.* 2 pp. [*C.O.* 28, 15. *No.* 55.]
- Oct. 28. **434.** (a) Mr. Willard to Mr. Popple. In reply to the Board's  
Secretaries' complaint, Aug. —, states that he has sent copies of the Minutes  
Office in of Council and Assembly once in six months ever since his  
Boston. arrival, covered to Mr. Dummer etc. *Continues:*—My office is reduced to £120 sterl. a year, out of which I am to provide a Clerk etc. by the Act *in addition to the acts for regulating fees*, by which I am cutt off from the fees which the former Secretary received for the copies sent to the Board of Trade and other perquisites to the value of £60 per annum etc. *Signed*, Josiah Willard. *Annexed*,

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(b) Governor Shute to Mr. Popple. I sent the papers relating to Canso to Mr. Agent Dummer in January, and he hath own'd the receipt of them. I am mightily surprized that he hath not laid them before the Honble. Board *etc.* *Signed*, Samll. Shute. *The whole endorsed*, Reed. 1st Jan. 17<sup>19</sup><sub>20</sub>. Read 8th June, 1721. *Addressed. Postmark.* 2<sup>1</sup><sub>2</sub> pp. [*C.O.* 5, 868. ff. 53, 54.]

[Oct. 28th] **435.** Petition of Anthony Browne and John Elliott of Antigua, gentlemen, to the Council of Trade and Plantations. *Pray* the Board to report upon Act to oblige the Vestry of St. Phillips to raise money *etc.*, passed in 1715 for the relief of petitioners, and against which a caveat was entered. *Endorsed*, Reed. (from Mr. Nivine) 28th Oct., Read 20th Nov. 1719. 1 p. [*C.O.* 152, 12. No. 163.]

Oct. 30. **436.** Governor Lowther to the Council of Trade and Plantations. *Refers* to letter of 7th Aug. and *replies at length* to "Parson" Gordon's sermon, and the Bishop of London. *Signed*, Rob. Lowther. *Endorsed*, Reed., 18th Jan., Read 12th April, 1720. 12 pp. *Enclosed*,

436. i. Rev. W. Gordon to the Bishop of London. Barbados, Nov. 5, 1716. *Same endorsement. Copy.* 1 p.

436. ii. Copy of Governor Lowther's Declaration in answer to Mr. Gordon's Book entitled, *The Miserable State of Barbados*, and to the Preface of his Sermon, to the complaints of the S.P.G., and Mr. Lansa. (*v. supra*). Details of commitment of Jonathan Blenman (*v.* 21st Nov.) *Refers to his* recall, C.S.P., 7th Feb., 1714 :— H.M. letter of recall came to my hands 7th April, 1714. I instantly ordered it to be read in Council and entred in the Council Book, and the very next Council day, 24th April, I gave up the Governmt. to Mr. Sharpe, and left the Island *etc.* Mr. Sharpe and his party were indeed very uneasy in the mean time and endeavoured with Samuel Cox, Alexander Walker and Timothy Salter to raise a rebellion by attempting to force the administration out of my hands. But as H.M. letter was only directed to myself and was no supersedeas of my Commission, and as Mr. Sharpe nor any other person had any warrant or authority to divest me of the Governmt., so had I given up my Commission to Mr. Sharpe while I stayed in the Island, neither Mr. Sharpe nor myself could have acted. *Quotes Clause of Commission.* As H.M. was not pleased to declare the reason's of my being recall'd, and there was no complaint whatever against me at H.M. death, I take upon me to say that it could not be for the reason the Representation assigns (*vizt.*) My arbitrary conduct in calling and dissolving

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Assemblys; since that matter had happened about two years before my recall; But I verily beleive the true reason of that recall was, that the then Ld. Bolingbroke might meet with no resistance in delivering up the Island to the Pretender. No complaints were lodged against me before my leaving England May, 1715, *etc.* *Denies various charges etc.* Published in St. Michael's Town, by beat of drum. *Signed*, Wheatly Gooche P. Mar. Pilgrims, 15th Oct. 1719. *Signed*, Robert Lowther. *Same endorsement.* 59 pp. [C.O. 28. 15. Nos. 85, 85. i., ii.]

Oct. 30.  
St. John's,  
Newfound-  
land.

**437.** Mr. Keen to [? *Mr. Poppie.*] Capt. Ogle desired me to acquaint you if anything worth your notice should happen *etc.* *Continues* :--The New England masters John Hubart, Roger Dench and John Smith (whose bonds are already transmitted to their Lordships, v. Oct. 13th) have carry'd away severall fishermen, seamen and others *etc.*, the proof of weh. will be easily made before the Officer that shall be appointed the next year, *etc.* The day after the departure of H.M. ship some Comrs. of fishing ships insulted the Admirals in their administration of justice at a publick Court for weh. they remain under a fine of sd. Admls. but the agressors have so little regard to the judgment or orders of the Admls. that they will not comply with any. And indeed during the absence of the men of warr wee have neither Justice or Religion and every man dos what he lists without controle *etc.* Wee are now goeing on ye second year without Divine servis (excepting whilst Capt. Ogle's Chaplain was here). It's to be hop'd some good man of an exemplary life may be sent amongst us for such as have been of late years have don more harm then good by leading wicked lives but wrather deboches. I have sent my petition to their Ldspps. relating to a salmon fishery and humbly pray the same may be presented. *Signed*, W. Keen. *Endorsed*, Reed. 1st, Read 17th Dec., 1719. 1¼ pp. [C.O. 194, 6. No. 72.]

Oct. 31.  
Nov. 11.  
Paris.

**438.** Mr. Bladen, Commissary in France, to the Council of Trade and Plantations. The Abbé Dubois' indisposition did not allow him to meet my Lord Stair and me on Wednesday last, but the Marechal d'Étrées was there, and we deliver'd him the demand of the Hudson's Bay Company with respect to their limits, of which you have a copy enclosed, whereby you will perceive that we have fully complyd with yr. Instructions on that subject. So soon as I receive the answer of the french Commissarys to this demand, I shall likewise take care to transmit a copy of it to your Lordships. The Governor of the Hudson's Bay Company arrived here yesterday, and I presume he is furnished with the proper materials to support their

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claime in case it should be disputed. I am allways with perfect truth and respect my Lords your Lordships most obedient and most humble servant. *Signed*, M. Bladen. *Endorsed*, Reed. 5th, Read 11th Nov. 1719. 2 pp. *Enclosed*,

438. i. Proposals of H.M. Commissaries presented to the French Commissaries in Paris, relating to the boundaries of Hudsons Bay *etc.* *In accordance* with instructions, Nov. 4, 1719. q.v. *Endorsed*, Reed. 5th Aug., 1719. *French*. 2 $\frac{1}{4}$  pp. [C.O. 134, 2. Nos. 47, 47. i.]

Oct. 31.  
London.

**439.** George Lillington to the Council of Trade and Plantations. *Describes* Sta. Lucia and St. Vincent. *Continues* : They were till the late Peace possess'd by the native Indians, and negroes weh. runn off in boats from the adjacent Islands ; And have always with us been reputed part of the British Dominions, till we were surprized with many and often repeated reports that the French were settled on Sta. Lucia with 300 familys, were building houses, were clearing and granting ground with sluger caines, and at last that they had erected a Fort or battery with severall peices of cannon and the Fr. arms flying thereon, pretending a right thereto from a grant of the Brittish Crown of Sta. Lucia in lieu of that part of St. Christophers which was given up by the French att the late Peace. A little before my leaving Barbadoes, Aug. 1719, we had a report that the French with a considerable arm'd force had attempted to take and carry off the negroes from St. Vincent, but were repuls'd with loss by the desperateness of the negroes, who had kil'd many their wives and children to prevent their falling into the Fr. hands, and declared themselves under the English subjection and fought under their colours. And from Sta. Lucia we understood that a New York privateer being arriv'd at that Island and having recd. some affront or disgust from the French settled thereon, landed his men, hawld down the Fr. colours weh. were flying, nail'd up their cannon and took away their stores of ammunition. And we farther heard that the Govr. of Martineque had given a Commission to a Fr. gentleman to be Govr. of Sta. Lucia, weh. is a very fine soil for producing cocoa, weh. would be a very considerable advantage to the English Crown, and no prejudice to any our settlements, having no plantations that produce that desirable nutt. We have likewise heard the French have planted tobacco at St. Vincent's, and no doubt that Island will produce considerable quantitys of that weed if thoroughly cultivated *etc.* The harbours of Sta. Lucia have been of great advantage to Barbados and would be of detriment in French hands *etc., etc.*

P.S.—We had reports that the Spaniards (before the late breach with that Crown) had destroyed a new English settlemt. on Crabb Island, by taking away what negroes the few in-

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habitants had carried on and burning a large qty. of dying wood wch. they had heapt together. And that the Danes were settling St. Johns (I think) one the Virgin Islands, and both esteemed to belong to the English. *Signed*, Geo. Lillington. *Endorsed*, Reed. 2nd. Read 4th Nov., 1719. 2 pp. [C.O. 28, 15. No. 56.]

Oct. 31.  
New York.

**440.** Col. Schuyler, President of the Council of New York, to the Council of Trade and Plantations. *Abstract*. Encloses Acts and Minutes of Council to 29th inst. *etc.* By the memorial (encl. 1) of the Surveyor appointed for the Province for ascertaining the division line between it and New Jersey, the Board will perceive there is a stop put to those proceedings. Thinks he ought not to compel him to proceed against the advice of the Council and his conscience; besides, the money given for that service is exhausted. Would rather be overcautious than rash in a matter of such importance to the King in his quit rents, and lands and the properties of his subjects, though the Proprietors of Jersey are much exasperated. Hopes that before any resolution is taken, timely notice may be given, so that his Government and proprietors of lands under patents from it may state their case *etc.* *Acknowledges* letter of 7th Aug. relating to the boundaries on the French settlements. Governour Hunter I believe carryed with him the best mapp that has yet been made of Hudsons River. But of the countrys belonging to the Five Nations no mapp has yet been made, nor is there any public money to do it with, the French have already setled at the back of us from Canada to Messassipie, in the last warr they attempted to make some settlements among the five Nations and it's feared are every day gaining ground for want of ascertaining the limitts and placing garrisons at the Lakes. *Hopes their Lordships* will apply to H.M., that his pleasure may be known concerning a mapp of the Province and particularly of the frontiers. *Continues*: "There is no money in the Treasury here to defray the expence, if there was I would not give your Lordships the trouble of this request." Coll. Graham the late Surveyor General of the lands of this Province being lately dead, has appointed Allane Jarratt, *etc.* *Set out*, N.Y. Col. Docs. V. 531. *Signed*, Pr. Schuyler. *Endorsed*, Reed. 29th Dec. 1719. Read 16th Aug. 1720. 3 pp. *Enlosed*,

440. i. Petition of Allane Jarratt to thic President and Council of New York. *Describes* proceedings with Surveyor General of New Jersey to fix the boundary line. After fixing the latitude upon the Fish Kill, observations were taken at Madam Corbetts, when it was discovered that observations taken near the middle of the quadrant made use of differed from those taken at the ends upwards of four minutes. Petitioner, per-

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- ceiving great difficulties in fixing the true latitude of  $41^{\circ}$  in so wide differences of observations and with so small a quadrant, asks for directions *etc.* *Signed*, Allane Jarratt. *Copy*. 1 large p. *Set out*, N. J. Archives, 1st Ser. iv. 403, 406.
440. ii. Report of Committee of Council of New York *upon preceding*. New York, Sept. 24, 1719. We examined the *above* petition in the presence of Mr. Alexander Surveyor General of New Jersey and Dr. Johnston one of the Commissioners for New Jersey. Mr. Jarratt said he could not adventure to settle a latitude that could be depended on without a quadrant of 5 or 6 ft radius certified by able and skilful mathematicians from Great Britain *etc.* The methods proposed by Mr. Alexander for correcting the defects of the smaller instrument were not satisfactory to him. We cannot advise that he be ordered to fix the latitude by this instrument, but that he should certify that the station pretended to be fixed at Fish Kill is wrong and erroneous, and that further proceedings be stayed until a correct and large instrument be procured *etc.* *Signed*, A. D. Peyster and four others. *Endorsed as covering letter*. 1 large p. *Set out*, N. J. Archives, 1st Ser. iv. 403, 406.
440. iii. An account of bedding which the late Col. Ingoldesby's men have in Albany, 25th March, 1719. 11 straw beds, 5 of them rotten. 12 pillows, 5 of them not fit for service. 3 broken ketles, 2 old iron pots, no tongs, fire shovels, bowls, platters, spoons, buckets or frying pans. At Fort Hunter 10 men have 1 bed tick, 2 blankets, 4 sheets, *etc.* *Signed*, Henry Holland. *Copy*. 1 p.
440. iv. Similar account of Col. John Riggs Company at Albany. *Signed*, John Riggs. *Copy*. 1 p.
440. v. List of necessaries required for above two Companies. *Signed*, Henry Holland. *Copy*.  $\frac{3}{4}$  p.
440. vi. Memorial of Col. John Riggs and Capt. Henry Holland to Peter Schuyler, President of the Council. Refer to preceding. Their deplorable condition renders our centinels incapable of doing their duties and will soon occasion the desertion of many. The barracks and forts are very much out of repair. Part will soon fall down. All which was represented to Governor Hunter last April, but we have had no answer *etc.* *Signed*, Jno. Riggs, Henry Holland. *Endorsed as covering letter*. *Copy*. 1 p.
440. vii. Lt. Col. Weemes and Major Symes to President and Council of New York. New York, Oct. 13, 1719. Represent the deplorable condition of the two In-

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dependent Companies at Fort George. They have been destitute of bedding *etc.* for several years, have no benefit of fire and candle or for sickness *etc.* *Pray for relief.* *Signed,* Ja. Weemes, Lancaster Symes. *Same endorsement.* 1 p.

440. viii. List of stores in Fort George, New York. 29th July, 1719. *Signed,* Gerard Beckman, John Cruger, Phillip Schuyler. *Same endorsement.* 5 pp.

440. ix. List of 19 Acts of New York, 24th June, 1719. *Same endorsement.* 2½ pp. [*C.O.* 5, 1052. *ff.* 59-61, 62-63, 64, 65, 66, 67v., 68, 69v.-72, 73v.-76].

Nov. 2.

**441.** Extract of letter from Mr. Secretary Craggs to the Earl of Stair. I am concerned to hear that the Court of France avow the settlement made by their people upon Sta. Lucia, and desire your Excy. to inform me particularly on what Treaty they found their pretensions to that Island. *Refers him to Mr. Bladen etc.* As this settlement has been made in time of Peace and in an unneighbourly manner, I would gladly see the documents boasted of, by the Mareschal d'Estrées, that we may know who have the right on their side. 1 p. [*C.O.* 253, 1. No.10.]

Nov. 3.

Boston,  
New  
England.

**442.** Governor Philipps to Mr. Popple. I have been detained here 5½ weeks *etc.* (v. Jan. 3rd, 1720). I have made the best use of my time here by making knowne H.M. resolution of taking the country of Nova Scotia under his immediat care and protection and the encouragement to be given toward the settlemt. thereof, which I have reason to believe will bring many people from hence *etc.* Upon peruseing my Instructions I find it prohibited to make any grants before a genll. survey be made of the country, which 'tis possible may take up more time then was thought and by that means not only retard but in some measure obstruct the intended settlement, if people cannot be sett to worke for their livelyhood immediatly upon their coming there *etc.* I have spake with some fishermen lately come from Canoe who inform me that the French have been fishing there againe this summer, and made some thousands of quintalls, which they carryd off under a guard of soldiers upon an alarme of the man of warr's coming that way and had the assurance to say they had orders from the Governour to take the King's ship if she came upon the Station, but as that may be only a Gascoignade of those fishermen I am in hopes of finding them in better temper when I shall have an opportunity of sending to them. You will be pleas'd to communicat thus much to their Idships, *etc.* *Signed,* R. Phillips. *Endorsed,* Reed. 1st Jan., Read, 14th July, 1720. 2¾ pp. [*C.O.* 217, 3. No. 4; and 218, 1. pp. 456-458; and (abstract) 217, 30. p. 7.]



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Nov. 4.  
Whitehall.

**443.** Mr. Delafaye, Secretary to the Lords Justices, to the Council of Trade and Plantations. *Encloses following.* The Lords Justices direct you to act accordingly. *Signed, Ch. Delafaye.* *Endorsed, Recd 6th, Read 11th Nov., 1719. 1 p. Enclosed,*

443. i. Lords Justices Instructions for Daniel Pulteney and Martin Bladen, H.M. Commissarys to treat with the Commissarys to be appointed by the most Xtian King. Whitehall, Sept. 3rd, 1719. Together with these Instructions you will receive H.M. Commissions to treat in pursuance of the 10th-14th Articles of the Treaty of Utrecht, *etc.* You are therefore with all convenient speed to repair to the French Court communicate your full powers and inspect those of the French Commissarys *etc.* It being provided by the 10th Article of the Treaty that the limits and boundaries between Hudson's Bay and the places appertaining to the French, be settled by Commissarys on each part, *which limits both the British and French subjects shall be wholly forbid to pass over or thereby to go to each other by sea or land.* You are to endeavour to get the said limits settled in following manner. That the same begin from the Island called Grimington's Island or Cape Perdriz in ye latitude of  $58\frac{1}{2}$  North, which the Company desire, may be ye boundary, between the British and French subjects, on the Coast of Laboradore towards Rupert's Land, on the East Main, and Nova Britannia on the French side; and that no French ship, barque, boat or vessel whatsoever shall pass to the North Westward of Cape Perdriz or Grimington's Island, towards or into the Streights or Bay of Hudson, on any pretence whatsoever. And further that a line be drawn from the South Westward of the Island of Grimington or Cape Perdriz (so as to conclude the same within the limits of the Bay) to the great Lake Miscoinke als. Mistoveny, dividing the said Lake into two parts (as in the map to be delivered to you) and that where the said line shall cut the 49th degree of Northern Latitude, another line shall begin and be extended westwd. from the said Lake, upon the 49th degree of Northern latitude, over which said lines so to be described as above-mentioned, the French and all persons by them employed shall be prohibited to pass to the Northwd. of the sd. 49th degree of latitude, and to the North and North Westwd. of the said lake or supposed line, by land or water, on or thro' any rivers, lakes or countrys to trade, or erect any ports or settlemts., and the British subjects shall likewise be forbid to

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pass the said supposed line, either to the Southwd. or Eastwd. But you are to take especial care in wording such Articles as shall be agreed on with the Commissary or Commissarys of His most Xtian Majesty upon this head, that the said boundaries be understood to regard the trade of the Hudsons-Bay-Company only. That His Majty. does not thereby recede from his right to any lands in America not comprized within the said boundaries; and that no pretention be thereby given to ye French to claim any tracts of lands in America, southwd. or south west of the said boundaries. And whereas it has been represented by ye said Company, that the French have since the Peace of Utrecht, vizt. in 1715, made a settlement at the head of Albany River, upon which River the Company's principal factory is settled, whereby the French may intercept the Indian Trade from coming to the said factory, and may in time utterly ruin the trade of the Company if not prevented; You are to insist that the said fort be given up or demolished by the French, and their subjects withdrawn from that settlement. And it being further provided by the 16th Art. of the said Treaty, that satisfaction be made according to justice and equity to the Hudson's-Bay-Company for the *damages and spoil done to their Colonys, ships, persons and goods by the hostile incursions and depredations of the French in time of peace*; and the said Company having delivered to H.M. Commrs. for Trade and Plantations, an account under their common seal, of ye losses sustained by them from the French in times of Peace, which will be delivered to you, with proper vouchers for the same; you are in like manner to insist that satisfaction be made to the said Company, pursuant to the sd. Article. And whereas by the 12th Article, *Nova Scotia or Acadie, as also the City of Port Royal etc. (quoted), were yielded and made over to the Crown of Great Britain for ever; except Cape Breton and the other Islands lying in the mouth of the River of St. Lawrence and in the Gulph of the same name.* You are to take notice that the boundarys of Nova Scotia are described by the Charter of K. James I to Sr. Wm. Alexander, afterwards El. of Sterling, 10th Sept. 1621, in the following words, vizt. *all the lands and islands lying within the promontory commonly called Cape Sables being in the 43rd degree of No. latitude or thereabouts etc., quoted in full.* But whereas in consequence of the Treaty of Breda, sevl. other lands were formerly delivered up by Sr. Thos. Temple as

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part of Nova Scotia to the French, which lands did belong to the Crown of Great Britain, altho' they were not a part of Nova Scotia, since which time, the French in consequence of that cession, did make several settlements upon the said lands and others belonging likewise to the Crown of Great Britain lying westwd., and south westwd. of Nova Scotia, between the River of St. Lawrence and ye Atlantick Ocean, and did annex the same to Nova Scotia, as appears by a Commission given by the late French King to Mr. Subercase where he is termed Govr. of Accadie and Cape Breton Island and Islands adjacent from Cape Rosiers of the great River of St. Lawrence, as far as the E. part of Kennebeck River. Now you are to insist that the French are obliged by the Treaty of Utrecht to deliver up all lands and settlements whatever which they have at any time possessed as part of or dependant on Nova Scotia, and that H.M. Most Christian Majesty has no right to any lands whatever lying between the said River of St. Lawrence and the Atlantick Ocean except such Islands as lye in the mouth of the sd. River, and in the Gulph of St. Lawrence, and are given up to the French by the Treaty of Utrecht, wherefore you are to press that the necessary orders be dispatched for the due execution of this Article of the Treaty, which hath not hitherto been fully complied with. And whereas the French have for sevl. years since the conclusion of the last Peace, taken upon them, not only to fish on the coast of Nova Scotia, and on the Islands of Cançeau, but likewise to make settlements on the said Islands, notwithstanding they are expressly prohibited by the 12th Article of the Treaty of Utrecht *from fishing . . . . on the coast of Nova Scotia etc., quoted in full* ; You are hereby directed to insiste that the French have no right or title to fish anywhere within 30 leagues of the So. East coast of Nova Scotia, beginning from the Island of Sable inclusively, and thence stretching along to the So. West, or to fish or make any settlemts. on the Islands of Cançeau or any other Islands within the Gut or Bay of the same name, wch. belong to H.M. as part of Nova Scotia, nothing being reserved to the French by the said Treaty except Cape Breton, and the Islands lying within the mouth of the River of St. Lawrence or the Gulph of the same name. But if the French Commysarys should pretend to ground a more extensive claim upon the words of the said Treaty, as it was signed in French than does appertain to them by the same Treaty as

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it was signed in Latin, you are to insist upon it, that the Treaty in Latin is to be your guide in all cases, tho even by the Treaty in French they can have no title to any Islands lying in the Bay or Gut of Canceau. And whereas by the 14th Art. it is expressly provided, that *in all ye said places and Colonys to be yielded and restored by the most Christian King, the subjects of the sd. King may have liberty to remove themselves within a year to any other place together with all their moveable effects.* You are to take notice that the French inhabitants of Nova Scotia have long since elapsed the time for removing their persons and effects from thence, and are thereby absolutely become subjects to the Crown of Great Britain; and whereas they have hitherto refused to take the oaths of fidelity and allegiance to H.M. or to the late Queen, being instigated thereunto by their Priests and even by the Govrs. of Quebeck and of Cape Breton; as the Indians have also been, to set up a claim to all that country; you are to use your utmost endeavours to obtain a particuler order from the French Court, requiring the said Governors of Quebeck and Cape Breton, and the Missionarys in those parts, for the future, not to interpose or meddle with anything that does or may concern H.M. interest in Nova Scotia, and particularly that they do not dissuade H.M. French subjects there, from taking the oaths of fidelity and allegiance to H.M., nor instigate the Indians to molest or disturb H.M. subjects in those parts. Whereas upon application made by the French Court, we did lately cause restitution to be made to Monsr. Hiriberry of a ship taken off of the coast of Canceau by the *Squirrel* man of war upon assurance given by the French Minister residing here, that orders had then been given by the French Court for restitution to be made to H.M. subjects, of all such ships or effects as had been taken by the French by way of reprisal upon that account, now in case the said restitution shall not have been made, you are to insist that effectually orders be given by ye French Court for that purpose without further delay, and at the same time you will take notice that this reprisal was made directly contrary to the 16th Art. of the Treaty of Utrecht. It being especially provided by the 13th Art. that after the cession of Newfoundland made by H. most Christian Majty., His subjects should not fish upon any part of the coast of the sd. Island, except only *from Cape Bonarista to the Northern point of the said Island, and from thence running*

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*down by the western side to Point Riche* : notwithstanding which provision it has been represented, that the French have sometimes taken upon them to fish on other parts of the sd. Island, contrary to the express words of the aforesd. Art. ; you are to insist that the French Court do give strict orders for the more punctual observance thereof for the future. Whereas the Five Nations of Indians bordering upon New York are undoubtedly subject to the Crown of Great Britain, whose right of Dominion over them is fully acknowledged by the 15th Art. of the said Treaty, now you are hereby directed to endeavour to procure an Order to the Governors of Canada and of Cape Breton, requiring them in the strongest terms, not to molest or disturb, nor to suffer the Indians in alliance with the French to molest or disturb in any manner the said Five Indian Nations, directing likewise them ye said Govrs. and each of them to recall the Missionarys now settled among the five Indian Nations, and not to permit any other Missionarys to go amongst them for the future, upon any pretence whatsoever. Whereas it is provided by the 11th Art. of the said Treaty that satisfaction shall be made for all ships or goods taken by the subjects of either Nation from the other in time of Peace ; you are hereby required to insist that satisfaction be made accordingly to such of H.M. subjects, whose claims and demands upon this head shall be delivered to you herewith *etc.* No application having hitherto been made by the French Court concerning any damage of this nature sustained by their subjects, *etc.*, you are to send home copies of any cases submitted by them to one of H.M. Principal Secretarys of State *etc.* in order to obtain full information thereof from hence. And whereas by the 11th Art., the Commissarys on the part of Great Britain and France are to enquire into those things of which the French subjects may complain relating to the capitulation of Nevis, you are to insist that the French have no right to demand any thing upon that account ; the inhabitants of that Island having punctually observed and performed as much as lay in their power all that was exacted of them by the first capitulation, into which they entered voluntarily ; whereas on the other hand, the French broke, not only the first but the second capitulation also, upon which they ground their pretensions, altho the same was forced upon the inhabitants contrary to ye usage of warr, and the import of the first capitulation after they were in the power of the French ;

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all which will more fully appear by the affidavits and other papers *etc.* which will be delivered to you. And whereas the French at that time took four Gentlemen prisoners from the said Island on pretence of hostages, for the due performance of the Articles of the 2d capitulation, tho they were neither given up by the Island, nor went with their own consent, of which number one Mr. Charles Earl still remains a prisoner at Martinico, you are to insist upon an order from the French Court to the Govr. of that Island, for the release of the said prisrs., upon the paymt. of such just debts as he may have contracted there with private persons, tho its presumed the said debts cannot be very considerable, several large sums having from time to time been remitted from Nevis for the support of him and the other prisoners. You are likewise to insist, pursuant to the 11th Art., that due satisfaction be made to the inhabitants of Montserat for the damages by them sustained in 1712, according to such accounts as shall be delivered to you. *Instruction concerning French claim against the Royal African Company and claims by them. Continues :* Whereas it has not been thought proper to empower you by your Commission to treat of any boundaries besides those of Hudson's Bay and Nova Scotia, nevertheless least the French should take this as a tacit aeknowledgmt. of their pretended right to ye several settlements they have made on the back and westward of the British Plantations on the Continent of America, you are to declare to the French Commissarys that H.M. has reason to believe the French have made several incroachments upon the British settlements in those parts, which may be discussed when H.M. shall have received from the respective Govrs. of His Colonys in those parts, a full and particular account of all such eneroachments as they have allready complained of. And in the mean while you are to take particular care in the wording of such Articles as shall be agreed between you and the French Commissarys in relation to the boundarys of Hudson's Bay and Nova Scotia, that H.M. be not thereby concluded with respect to the boundaries of any other lands or territories, H.M. or His subjects may have a right to, on the Continent of America. You are hereby directed, during the time of your residence in France, to get the best informacon you can, concerning the situation, trade, strength, laws and government of the French Colonys in America, but more particularly concerning the establishment and constitution of the Mississippi

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Company, which you are to transmit to H.M. Principal Secretary of State attending H.M. beyond sea to be laid before H.M. and to our Secretary to be laid before us, as also to H.M. Commissioners for Trade and Plantations. You are hereby required to communicate from time to time, all your proceedings during the course of your negociation, unto the Earl of Stair, H.M. Ambassador Exty. and Plenipotentiary now residing at the French Court and to confer and consult with him on all matters relating thereunto, *etc.* Similarly to correspond with H.M. Principal Secretary of State attending H.M. person, our Secretary, and the Council of Trade, and to seek their advice upon any difficulties that may occur *etc.* Signed, Parker C., Argyll and Greenwich, Roxburghe, Berkeley, J. Craggs. Copy. 15½ pp. [C.O. 323, 7. Nos. 164, 164. 1.; and (without enclosure) 324, 10. p. 272.]

Nov. 4.  
Whitehall.

**444.** Mr. Popple to Mr. Delafaye. Encloses Mr. Lillington's Memorial, Oct. 31st, "which the Council of Trade and Plantations think of so great consequence that they desire you will take the first opportunity to lay it before the Lords Justices, for their directions therein." *cf.* 2nd Oct. [C.O. 29, 14. p. 35.]

[Nov. 4.]

**445.** Queries from Mr. Pulteney relating to the Capitulation of Nevis. (v. C.S.P., 1706. Nos. 357. iii. vi.). One of the conditions required by Iberville was *que tous les negres me seront remis*. The inhabitants pretend that they perform'd this condition as far as was in their power to do having deliver'd up about 5000 negroes, the rest to the number of about 1400 being fled into the woods and mountains, where Iberville attempted to force them, but cou'd not, upon which as well as upon a report that an English Squadron was coming that way, Iberville forc'd several of the inhabitants by very violent means to sign another agreement *etc.* *Quere* (i) Whether the inhabitants by delivering up all the negroes who were in their power, did fully satisfy that condition of the Capitulation (*above*), or whether they were oblig'd by that condition to take upon themselves to deliver up or answer for the delivering up all the negroes which were in the Island and particularly the 1400 fled to the woods and suppos'd to be out of their power? (ii) Supposing the inhabitants to be under this later obligation, yet as no certain time was prescrib'd by the Capitulation for the performing it, is Iberville justifiable in forcing them to sign the other agreement, and in obliging them to deliver the 1400 negroes at Martinique, which was not requir'd by the Capitulation? (iii) The inhabitants alledge that when the Capitulation was first offer'd to them by two French Officers sent by Iberville, they objected to that article, *Que tous les negres me seront remis*, and said

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it was not in their power to deliver up all, some being fled to the woods, and that the French Officers answer'd, that the General Iberville did not expect anything but what was in their power, which words an Officer among the inhabitants writ in the margent agst. the said Article; the inhabitants produce an affidavit of this. *Quere*, how far this circumstance, if true, will alter the case? (iv) The second agreement having been forced upon the inhabitants by sevl. violent methods after they had put themselves into the power of the French by the Capitulatn., and were prisoners of war: *Quere*, whether the inhabitants can be oblig'd to any condition of this agreement more than what they were already oblig'd to by the Capitulation? (v) By the 8th Article of the Capitulation the inhabitants were oblig'd to set at liberty a certain number of French prisoners in England or in the West Indies: *Quere*, Whether the inhabitants are answerable for this condition, which they cou'd not be suppos'd to have any right, power or authority to make. (vi) The inhabitants alledge that Iberville broke most of the conditions of the Capitulation and of the agreement. *Quere*, How far this will disengage the inhabitants from performing the conditions of either on their part? (vii) In case it shall be adjudg'd that the inhabitants are to make good the Article of the agreement about the 1400 negroes, *Quere*, Whether they ought to pay any interest, and to what time? (viii) The demands of the French upon account of the aforesaid Capitulation and Agreement, having been by the Treaty of Utrecht referr'd to the determination of Commissaries on both sides, *Quere*, Whether the hostages taken by Iberville from Nevis and detain'd at Martinique, ought not to have been set at liberty upon the ratification of that Treaty? (ix) Supposing the Capitulation to consist only of such conditions as were propos'd or rather prescribed by Iberville, and submitted to by the Inhabitants without their treating in the least concerning the same, and that this Capitulation was sign'd only by Iberville, and not by any person or persons in behalf of the Government or inhabitants of the Island: How far will the inhabitants be bound to make good the conditions requir'd of them by the said Capitulation, if it shou'd appear that Iberville did not perform any or the most essential of the conditions promis'd on his part? (x) It is to be observ'd that the agreement was sign'd by such of the inhabitants only as cou'd be compell'd to do it, and not in form by the whole body of the inhabitants, or by the Council or governing part of the Island, and that Iberville by an Act sign'd by himself immediately after the making that agreement, pretends to give such things as he suppos'd to be left in the Island among those inhabitants who sign'd this agreement, excluding all others from any share therein, *Quere*, Can this agreement sign'd by particular persons, be look'd upon as an obligation on the whole Island, or will these persons be bound



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to make it good ? And in the later case, will they be entitul'd to the benefit of Iberville's aforesd. Act to the exelusion and prejudice of the rest of the inhabitants ? *Endorsed*, Reed. Read 4th Nov. 1719. 4 pp. [C.O. 152, 12. No. 158.]

Nov. 6.  
Whitehall.

**446.** Mr. Popple to Sir Nathaniel Lloyd. Encloses *pre-  
ceding*, for his opinion thereon. [C.O. 153, 13. p. 444.]

Nov. 6.  
Charles  
Town.

**447.** Governor and Council of South Carolina to the Council of Trade and Plantations. We here presume to send your Lordships the enclosed letters upon the prusall of which you will see the forlorn condition this Collony lyes under being every day threatned with a Spanish invasion, and how narrowly we lately escaped the same by the casuall meeting of two French men of warr, with a flagg of truce, carrying of prisoners from Pansicola to the Havana. We had received intelligence of an intended attempt upon our Southern settlements *etc.* (v. April 28, 1719), upon which advice the Governr. made the necessary preparations and with a good body of men marched to the place where it was expected the enemy would land, but having stayed there near a fortnight, and sending out scouts both by land and water to get intelligence, and hearing of no enemy, looked upon his information as fallacious and so dismissed the people, not knowing at that time how it had pleased God to deliver us. But tho' this blow for the present is diverted yet 'tis very much to be feared 'twill return with greater force by the armament that is making at La Vera Cruz, and the orders of the Vice Roy of Maxico to the Governour of the Havana to raise what forces he can upon the Island of Cuba, to be in a readiness to fall upon St. Georges (for so the Spaniards call this place). The Vice Roy of Mexico has likewise reeed. positive orders from his most Catholick Majesty to raise very large levies of men with shipping to endeavour to retake from the English and french in America, all such places as ever did belong to the Crown of Spain or was ever elaymed by it. The forces the Spaniards are preparing and getting together to invade this Collony are so numerous that 'twill be morally impossible for us to defend ourselves against such a powerfull enemy with a handfull of men (however brave they may be) harazed by a long Indian warr repeated alarms, and severe taxes, and 'tis very much to be feared that some of our best settlers will remove what portable goods they can carry and transport themselves and familys into some other Collony where they may live with more security and safety and not stay any longer here to wait a lingring and dangerous warr. Our circumstances are very mellancholly we need not aggravate nor can we represent them in much darker colours then they appear. Therefore we humbly beseech your Lordships to be solicitors for us to H.M. that we may have five or six hundred regular forces sent over and one or two light frigats more to be

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dispatched with all expedition to save the lives and estates of H.M. subjects, which in all humane probability will otherwise be lost and this Collony fall a prey to his enemies and of what mischeivous consequence that will be to the rest of H.M. settlements in America, this being a frontier to the same, it is left to your Lordships great wisdom to judge of. P.S. We reced. severall queries from your Lordships relating to the state of this Province but by reason of the confusions we are now in, and the hurry of business, that is upon us we are not now able to send your Lordships an answer to them but hope to do by the next. *Signed*, Robt. Johnson, R. A. Izard, Nicholas Trott, Chas. Hart, Benja. de la Conseillere, Wm. Bull, Hugh Butler. *Endorsed*, Recd. 3rd, Read 4th Feb., 17 $\frac{1}{2}$ . 1 $\frac{3}{4}$  pp. *Enclosed*,

417. i. C. Gale to [*? Governor Johnson*] according to your desire I here communicate to you the report at Providence when I came thence *etc.* Some time in the beginning of this month a flag of truce arrived at Providence from Havana with English and French prisoners to ye number of 50, amongst which were several french officers, and one Doer. Roan formerly of Jamaica, these tells us that on ye 30th of June last, or thereabouts, the Governmt. of Havana, having out a fleet of 14 sail of vessels, mann'd wth. 1400 men, wth. proper implements of warr, as bombs, field pieces, scaling ladders *etc.* the said Fleet sailed thence in order to invade the Governmt. of Carolina, and that they were to be supported in their attempt by Spaniards and Indians from St. Augustin, and that in their return home they intended to take Providence, but standing over to ye coast of Florida they were met by two french men of warr, wth. a flag of truce from Pansicola and Moville, on board which was the Governor of Pansicola and about 200 prisoners, who upon taking the place had capitulated to be sent to Havana, where (contrary to ye faith of all Nations) the Governr. seized the truce, confined the french officers, and sent the two ships, wth. their armament to retake Pansicola which they effected. Thus affairs stood when the flag of truce came from Havana, on board were five of the french officers, one of wch. was the commanding officer of the truce from Moville, and Pansicola, and seemed a Gentn. of distinction. These gentn. are sent by the Governr. of the Bahamas to Hispaniola, where they have a squadron of men of warr arrived. The letter for the Governr. of Moville is (as I am told) to give an acct. of their ill-treatment at Havana and the further intentions of the Spaniards discovered by themselves whilst at Havana. As well by ye reports wee have from 15 Spanish prisoners, brought in since

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the flag of truce, by one of our privateers, the french officers, as well as the English prisoners, give an acct. that some time before they came from Havana, there arrived an express from the Vice Roy of Mexico, the contents was reported to be, that he had received orders from the King his master to endeavor the recovery of all places in the Indies, which had formerly belonged to that Crown, and were now in the possession of the subjects of forreign princes, that in order thereto, he was raising 25,000 men, and fitting their Grand fleet, at La Vera Cruz, and required him to have in a readiness all the men he could raise on Cuba, and that he designed to have 10,000 men at Pansicola to march by land wth. the Indians to take Carolina. What accts. we have reed. since by the 15 Spanish prisoners, is this that five french men of warr and 2000 men had retaken Pansicola, taken and destroyed ye whole Spanish fleet, and that ye garrison at Pansicola had fled into ye woods, in order to get St. Augustin, that they were pursued by a vast number of Indians, and that the French gave no quarter, to those they found in arms on board ye ships, as a return for what they had done to their flag of truce. This advice they say came to Havana by one Bloss, who escaped from ye Bay of St. Joseph, and that the Govnr. had confined him, for not running ye same fate wth. the rest *etc.* Signed, C. Gale. Copy. 1½ pp.

447. ii. John Parris to [?Governor Johnson], Havana, July, 18 (N.S.) 1719. Had not my endeavours been to often frustrated I could not be thus late in testifying my esteem and duty to your Honr. of acquainting you the late designs of this Government to invade yours but as at their first raising the armament they proclaimed against Providence which being known less defensive 'twas not suspected they had further designs nor indeed had they till by escape of Mr. Walker to Providence they concluded said place allarmed and therefore not to be attacked. Nevertheless they continued augmenting their armadilla without least notice of altering their measures till some few days before its readiness it began to be surmized and by degrees freely talked 'twas intended against Carolina but to prevent its being advised denyed even fishing boats to go out of the harbour only such as was obliged to return same evening and all the night a guard boat at the mouth of the port so that it afforded not least possibility of any but fishermen to escape severall have attempted to bribe but the terror of the Governor's severity would not let them consent untill the said

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vessells should be sailed and then I had provided one to go to Providence and by my letters there to procure a dispatch directly to your Honour whilst said armament touched at St. Augustine to land some leaders for the Indians 1200 of which they there represented to be in armes waiting their arrivall and the rest to be landed at port Royall whence they were to march by land so that in all probability it might have been early enough to have prevented a surprize and allowed a posture of defence had they prosecuted their undertaking but thanks be to God they have now turned their attempt on recovery of Pansicola which the French had lately taken from them under the Regent's Comission and sent two ships to deliver the Governour and about 200 prisoners at this port which chanced to appear of at the very juncture the abovesaid Armadilla were putting to sea for Carolina which was the 30th June this style and the Spaniards beleving them friends went on board them but finding their circumstance as aforesaid they having a supeority, immediately struck the French colours and brought said two ships one having 22 and the other 28 guns in as prizes and which this Governr. hath thought fitt to condemn as such accordingly notwithstanding the capitulation they came by. Said 2 vessells are now refitted and sailed this day baek with one English gally two briganteens and eight sloops with about 400 men amoung which are some of the french prisoners and all the English whom they very much abused till their complyanee of going. It seems the french have not as yet above 200 men at Pansicola so that unless they should espy them or have some notice time enough to send for succors from Mowille 'tis much feared they'll not be able to defend it and should the Spaniards succeed there and the war not be noticed to cease I too justly fear their next attempt will be at Carolina. However, I can't but congratulate your Honour on this evasion and should they hereafter be encouraged to attempt it I doubt not this respite will enable you so to fortifye yourself that may baffle their hopes for ever after. *etc.* P.S.—Moor Castle 16th Sept. 1719. The foregoing is a copey of what I wrote your Honr. by Dr. Roan and some other Providence people prisoners here but as were escaping had the misfortune to be retaken and was forced to fling over their letters since which could procure no oppertunity to convey the same but by this sloop which the Governour of Providence sent about six weeks since for exchange of prisoners and tho' 'twas assured

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that a punctuall complyance should be made by an immediate return of the English here yet the Governour hath found reasons to suspend her sailing till this time so that in the intervall hath arrived notice of the Armadilla success against Pansicola the French being surprized one half immediately deserted to the Spaniards and the remainder finding themselves to week to defend it burnt two of their best ships and obtained an honourable Capitulation however it was celebrated here with all the acclamation of joy. In company of this sloop goes out a briganteen and a sloop with stores and provisions for said Armadilla who lay a few leagues from Pansicola waiting for a force they have sent for from Lavera Cruz with a design to invade Moville. So that this season the English Dominions seems free from any attempt and by the next hope they won't want the proper defence altho' peace don't interpose. *Signed*, John Parris. *Copy.* 2 $\frac{3}{4}$  pp. [C.O. 5, 1265. Nos. 140, 140. i., ii.]

Nov. 6.  
Whitehall.

**448.** Mr. Delafaye to the Earl of Stair. Mr. Pulteney, who will deliver this to you, carries full power *etc.* *Encloses following* by order of the Lords Justices *etc.* *Signed*, Ch. Delafaye. *Copy.*  $\frac{3}{4}$  p. *Enclosed*,

448. i. Copy of No. 444.

448. ii. Copy of No. 439. [C.O. 253, 1. Nos. 11, 11. i.]

Nov. 7.  
Paris.

**449.** Extract of letter from the Earl of Stair to Mr. Secretary Craggs. We have not yet received from the Marechal d'Estrées an account of the titles on which the French ground their claim to Sta. Lucia, but we are promised to have it on Monday. We are to dine with him on that day, Mr. Bladen and I. *Copy.*  $\frac{1}{2}$  p. [C.O. 153, 1. No. 17.]

Nov. 8.

**450.** Lewis Morris to Mr. Popple. *Acknowledges* letters of 7th and 26th Aug. The ship sails this night *etc.* There was two Acts of the General Assembly of New Jersie pass't to ascertain the lines between them, to wch. a stop is put in New Yorke *etc.* *cf.* Nov. 21. *Signed*, Lewis Morris. *Endorsed*, Recd. 19th Dec. 1719. Read 18th Jan. 17 $\frac{1}{2}$ . 1 p. [C.O. 5, 971. No. 86.]

Nov. 10.

**451.** Replies by Sir Nathaniel Lloyd, Advocate General, to Queries concerning the Capitulation of Nevis (v. 4th Nov.). (i) I conceive that they were obliged to procure the delivery of the 4,000 (*sic*) negroes also. (ii) I conceive that a time competent must be understood, and the subsequent agreemt. has fixed itt to 3 months. (iii) Such attidavit will avail little, if the Officers had not special authority to insert the addition

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on the margent: Besides the copy annexed has noe such insertion, therefore they accepted the original without itt. (iv) This agreemt. is butt in pursuance of the Capitulation, to effectuate the delivery of the 4000 negroes, att that time fled: and it is a stipulation de novo, whereby the Island has gained, in ye 2 last articles some conditions in consideration of this new agreemt. (v) They are obliged to doe itt, or att their sollicitation to procure itt to bee done; the word *remettra* is there used for those in England, strictly as much out of their power as those who fled to the woods. (vi) Mutuall conditions must be mutually performed, or the contract ceases. (vii) When no time is fixed, no delay is imputed, so as to carry interest, butt from notice and demand: 3 months are given in ye agreemt. (viii) Hostages provisionally taken for security shd. bee released, the Capitulation and Agreemt. now being upon ye Treaty secured by publick faith, (ix) Such stipulations must be construed bonâ fide, some intervening inhabitants in the name of ye whole, will oblige the whole, if conditions are mutually performed: for tho' prescribed by Iberville, yet their acceptance makes them their own Act. (x) The Agreement will oblige the whole, the whole having the general benefitt: The particuler allotmts. is a personal present made in compliment, to those only, who signed. This will oblige, and ought to bee performed, and Iberville's act will not extend to the rest, butt only to those, who are mentioned as above. However all these disputes by the XI Article of the Treaty of Utrecht are submitted to the Commissaries of both Nations, etc. Signed, Nath. Lloyd. *Written in margins of copy of Nov. 4th. Endorsed, Reed. 10th., Read 11th Nov., 1719. 4½ pp. Enclosed,*

451. i. Conditions of Capitulation of Nevis. (v. C.S.P. 1706. No. 357. iii.) *Copy. French. 3 pp. [C.O. 152, 12. Nos. 159, 160.]*

Nov. 11. **452.** Mr. West to the Council of Trade and Plantations. I have no objection to the Act of Nevis *for raising a poll-tar upon negroes and other slaves etc.* Signed, Richd. West. Endorsed, Reed. Read 12th Nov., 1719. 1 p. [C.O. 152, 12. No. 161.]

Nov. 12. **453.** Council of Trade and Plantations to the Lords Justices. We have no objection to the Act of Nevis *for raising a poll tar on negroes and other slaves etc. belonging to the plantations and inhabitants of this Island of Nevis, and on the freeholders, householders and traders of the towns thereof.* [C.O. 153, 13. pp. 445, 446.]

Nov. 14. **454.** Extract of letter from the Earl of Stair to Mr. Secretary Craggs. I asked his Royal Highness if Monsr. the Marechal d'Etrées had yet brought him the Treaty by which England

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had ceded the Island of Sta. Lucia to the French. He said no, but the Marechal promised him from day to day to let him see it, and the other documents establishing the right of the French to the said Island. I said to him, Monseigneur, if England has ceded Sta. Lucia, I know that the King my Master will dispute nothing which belongs to you by so authentic a title as a Treaty, but on the other hand His Majesty expects that your Royal Highness will not permit anyone to encroach upon the rights of the King of Great Britain. I shall have the honour of showing to your Royal Highness the titles of the King to Sta. Lucia, which you will certainly find good and valid, unless there is a Treaty which destroys them. And if there is such a Treaty, it is astonishing that there should be no one in England who has the least knowledge of it. The Duke of Orleans replied very frankly, that the Treaty in question was a fact of which one would soon be informed. He assured me at the same time that he had granted the concession of the Island of Sta. Lucia to the Marechal d'Estrées only upon his assurances that the right of France was so well substantiated, that England would not dispute it, having renounced it in a Treaty. H.R.H. assured me that if the fact was not as the Marechal had stated it, the King would have occasion to be satisfied. I saw M. the Marechal the same day. He promised me that in two or three days he would let me see the documents, which he was then arranging. *Copy. French. 1½ pp. [C.O. 153, 1. No. 18.]*

Nov. 18.

**455.** Mr. West to the Council of Trade and Plantations. *Report upon Act of Pennsylvania for vesting the house of William Clarke in trustees etc. (v. Oct. 6th.)* The end of this bill is to strip the children in whom this estate is legally vested without hearing them or any person for them. The consideration of marriage is so strong that I think in this case it cannot be sett aside *etc.* I have spoken to Mr. Gee and other persons concerned in that country and upon the best information I can gett the allegations of the petitioner are true, and therefore I am of opinion that this bill ought for the injustice of it to be repealed *etc.* *Signed, Richd. West. Endorsed, Reed. 19th., Read 20th Nov., 1719. 3 pp. [C.O. 5, 1265. No. 133.]*

Nov. 19.  
London.

**456.** Governor Hunter to Mr. Popple. I have never been able to stand on my legs since I last saw you, by the help of a most violent medicine I am to-day better and in better hopes. I send with my most humble duty to their Losps. the large map I mention'd when I am able to attend them I shall look out some papers and bring them wt. me which may be necessary for their view, tho' I much dispaire of recovering all by reason of ye unhappy accident which befell to my seritoire coming up ye River being stav'd by ye anchor on ye bow of a ship and thrown into the River where it remain'd an hour before they could

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recover it. I shall as soon as I am able to do any thing want your advice and Mr. Bamfield's assistance in my affaire, but at present I can entertain no thought but of endeavours to get rid of intolerable paine. *Signed*, Rd. Hunter. *Endorsed*, Recd. Read 19th Nov., 1719. *Holograph*. 1½ pp. [C.O. 5, 1051. No. 100.]

Nov. 19. **457.** Mr. Popple to Lord A. Hamilton. Requests him to substantiate statements in his memorial of 4th Sept. [C.O. 138, 16. pp. 243, 244.]

Nov. 20. **458.** Mr. Popple to Zacchariah Richardson. The Board  
Whitehall. desire that you would bring your objections in writing on Thursday, *etc.* (v. 6th Oct.) [C.O. 5, 1293. p. 225.]

Nov. 21. **459.** Governor Lowther to the Council of Trade and  
Barbadoes. Plantations. *Refers to* letters of 7th Aug. and 30th Oct. *Continues*:—This will be delivered by Henry Lascelles, who is charged with my defence *etc.* I could not transmit it to the Lords of Appeal before the time was elapsed allowed the complainants for prosecuting their appeal (v. 12th March). No person on behalf of the S.P.G. has yet served me with that Order: nor was I served with that which relates to Lansa's complaints till 30th Sept., at which time I intended to have had several depositions taken before the Council sitting as a Court of Errors, and to have transmitted my defence to the Lords of Appeal by Capt. Holland but I was interrupted in so doing by Jonathan Blenman Councillour at law who moved me, "There is a power of attorney come over from Lansa which is now in the Secretary's Office, the gentlemen named as Attorneys conceive they cannot proceed till they have got it out of the office, and till then they apprehend your Excellency will not think it proper to proceed" *etc.* This notice prevent my transmitting my defence by Captain Holland, and detained it till this moment, for tho the pretended plaintiff had elapsed his time in serving me with the order, and tho the whole matter should have been returned to the board in six months from 12th March, yet I conceived it more tollerable to lay a little longer under the infamy of the accusation than to give my adversaries the least pretence of insinuating that they could have made good their charge, had I not taken advantage of Lansa's pretended power of attorney to Messrs. Beekles & Sandford *etc.* Mr. Beekles was served on 30th Oct. with my answer. As I have in vain waited 20 days for a reply, it may be reasonably conjectured that the aforesaid motion was made only to prevent me as long as possible from laying my defence before their Lordships *etc.* As this matter is before the Lords of Appeal, I shall only note in general that the petition of Lansa is a meer sham. That Demoracin is proved perjured in many instances. In his de-



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position there is a long dialogue he swears he had with Mr. Lascelles : four credible witnesses prove that he neither spake nor understood English, and Lascelles deposes that he neither speakes or understands any language but English. My suspicions as to the chief agents in contriveing that petition are lately confirmed. Parson Gordon arrived here on 18th Sept. On 28th he carry'd a paper to Judge Husbands purporting to be a power of attorney from Francis Lansa to Messieurs Beekles and Sandford which he swore before the sd. Judge that he saw Lansa execute : it is evidenced in this form, vizt., sealed and delivered (being first duely stampd according to law) in the presence of W. Gordon, Gioseffe Dalborgh. On 30th Sept. Nicholas Hope brought the said pretended power to the Secretary's office to be recorded and offered to pay double fees to have it instantly done and also desired that he might record it himself : but both his requests were rejected. There's great reason to conclude him perjured in this affair, and that the sd. pretended power was not made and executed in England, but here, being there's no stamps upon it, tho the Parson as a witness thereto has attested that it was first duely stampd *etc.* Moreover everybody believes the name Dalborgh was wrote by Gordon *etc.* No better reason can be assigned for Mr. Hope's pressing to have the power recorded in the manner before mention'd than in order to have distroy'd it, that it might not hereafter appear that it was writ upon unstampd paper, or rise up in judgment against Mr. Gordon. This is the power on which Mr. Blenman chiefly grafted the motion of 30th Sept. *Refers* to warrant by which he was committed *etc.* Blenman was not committed for producing or insisting upon the Order of Council, but for not owning from whom he received it, in regard, it not only plainly appear'd to the Court that the papers annex't to the said Order were not affix'd by a ribband going through the same, but were stitched to the sd. Order in sundry places, and that part of the ribband which did go through the seal was cut off, and a ribband of a different sort was sewed to it near the seal, but the same did not go through any of the annexes, so that the sd. annexes (one of which is dated 20th March) appeared to have been affixed to the Order of 12th March after the seal was put thereto. As the Attorney General has directions to prosecute Mr. Blenman for this crime at the next Grand Sessions, so it may be reasonably presumed that he will then discover from whom he had the sd. rule and annexes : I make no doubt, from Mr. Gordon with instructions to move me in the manner that's related : being the said motion has nothing in it that's either reasonable just or solid : for if (in order to my justification) I am permitted by their Lordships sd. rule to have depositions privately taken before any Judge or Magistrate, certainly no just exception can be made against having such depositions publickly taken before H.M. Council sitting as a Court of Error

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and Grievance *etc.* The true intent of the motion was to insult me, and amuse the vulgar people as long as possible with these unjust imputations and slanders *etc.* *Signed*, Rob. Lowther. *Endorsed*, Reed. (from Mr. Laseelles) 20th Jan., Read 12th April, 17 $\frac{1}{2}$ <sup>o</sup>. 3 $\frac{1}{2}$  pp. [C.O. 28, 15. No. 86.]

Nov. 21.  
New York.

**460.** Col. Schuyler, President of the Council of New York, to the Council of Trade and Plantations. *Refers to letter of Oct. 31st and acknowledges letter of 26th Aug. and Act and papers relating to pitch and tar which have been printed and published etc. Encloses Minutes of Council. Continues* :—In those Minutes your Lordships will perceive by the propositions made by some Sachims of the Five Nations to the Commissioners of the Indian Affairs that they look upon themselves slighted by H.M. other Governmts. to the Southward, and tho' this Government dos always use its utmost interest amongst them to prevent their going to warr against the Indians which live that way, it is possible such contempt may at one time or another occasion consequences which are much easier prevented than redressed *etc.* *With the advice of the Council has granted a Commission to Capt. Allane etc.* v. 31st Oct. *Continues* :—Upon all other occasions I shall follow the same rule in preferring persons of the best substance and parts *etc.* I forbore to trouble your Lordships with a petition from the owners of land in this Province bordering on the line of the Jerseys, because I was in hopes the Gent. of the Councill, to whome it was committed, would have made a report thereon. that I might have transmitted both together. But since some of the Jersey Proprietors have presented a long memoriall to the President of that Province, which I presume they either have or will send home I enclose a copy of said petition *etc.* The petitioners offer to make out their allegations, except the mistake in the date of the Duke's grant. The Council's report and petitioners' remarks on the said memorial shall be transmitted *etc.* I hope that in the meanwhile no solicitations of the other side may obtaine any order to the prejudice either of this H.M. Province, or of its inhabitants, untill they are first fully heard thereon. I conceive they are of right intituled hereto *etc.* *Signed*, Pr. Schuyler. *Endorsed*, Reed. 24th Dec. 17 $\frac{1}{2}$ <sup>o</sup>. Read 18th Jan., 172 $\frac{1}{2}$ <sup>o</sup>. 3 pp. *Enclosed*,

460. i. Petition of several owners of lands bordering on New Jersey to the President and Council of New York. *Complain* of the way the boundary line was surveyed. (v. 31st Oct.) The Surveyor and Commissioners of New Jersey were not required to execute a bond of £100 to run the line, as was the Surveyor for New York. Making use of a small instrument and in such foggy cloudy weather as was not known in the memory of man, they fixed the latitude upon the Fish Kill

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near a small creek which they called Station Brook, as if determined to secure the low lands for the Jerseys *etc.* *Pray* that proceedings may be stayed until H.M. allowance of the Act for running the line is signified and a proper instrument obtained *etc.* *Signed*, Lancaster Symes and 28 others. *Same endorsement.* 7 pp. [C.O. 5, 1052. ff. 109-114.]

Nov. 21.  
Perth  
Amboy.

**461.** Lewis Morris, President of the Council of New Jersey, to the Council of Trade and Plantations. The Assessors of the publique taxes having neglected their duties *etc.*, I reprimanded them, and then issued the inclos'd Proclamation *etc.* The enemies of the publique peace have so great an influence, that whoever commands here, can do little else, but threaten unlesse he has aid from without. *Describes* bounds of New Jersey *etc.* *Believes* that some of the Council of New York have taken up large tracts of land in Jersie by virtue of grants from New Yorke: None of them appear to the petition, but some of the petitioners are in partnership with them *etc.* *Proposes* to try the Russian method of barking trees *etc.* *Continues*: The publique occasions made it necessary for New Jersie, as well as New Yorke, to strike bills of credit, which were by the Acts of the Generall Assembly, made currant at certain rates; but the money rais'd to sinke them will not be sufficient for that purpose *etc.* A miscalculation by the Assembly, occasion'd this; and I feare, I shall be under a necessity, of calling them together, to make suitable provisions, to support their owne credit. *Set out*, N. J. Archives, 1st Ser. iv. 439. *Signed*, Lewis Morris. *Endorsed*, Recd. 24th Dec., 1719. Read 18th Jan., 1720. 8 pp. *Enclosed*,

461. i. Petition of several of the inhabitants of New York to the President in Council of New York. State their apprehensions concerning the running of the boundary line between New York and New Jersey, for which the Assembly of New York has appropriated £300. *Signed*, Lancaster Symes and 23 others. *Endorsed as preceding.* 5½ pp.

461. ii. Petition of Allan Jarratt, Surveyor of New York, to the President and Council of New York. Describes his difficulty with the Surveyor for New Jersey in fixing the boundary and deciding the true latitude of 41° by means of a small brass quadrant of about 22 inches *etc.* *Signed*, Allane Jarratt. *Copy.* 1 p.

461. iii. Report of the Committee of the Council of New York upon *preceding* petition. *Propose* that Mr. Jarratt be required to certify that the station pretended to be fixed at the Fish Kill and Madame Corbett's is wrong and erroneous, and that all further proceedings ought to be stayed until a correct and large instrument

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be procured *etc.* New York, Sept. 24, 1719. *Signed*, A. Depeyster, Gerrard Beekman, Rip Van Dam, John Barberie, A. D. Philipse. *Endorsed as letter. Copy.* 1 p.

461. iv. Proprietors of New Jersey to the President in Council of New Jersey. *Argument in reply to Nos. ii. and iii. supra.* Perth-Amboy, Oct. 12, 1719. *Signed*, J. Barclay, Dpt. Regtr. *Endorsed as preceding.* 23½ pp.

461. v. Proclamation by Lewis Morris, Perth-Amboy, 22nd Aug. 1719. Assessors, who hereafter neglect their duty of assessing arrearages under the Act *for the support of the Government for two years etc.*, will be proceeded against *etc.* *Signed*, Lewis Morris. *Endorsed as preceding. Printed.* 1 p. [C.O. 5, 971. Nos. 87, 87. i -v.]

Nov. 24.

Dec. 5.  
Paris.

**462.** Mr. Pulteney to the Council of Trade and Plantations. I have not as yet any business relating to the Commission to lay before your Lordps. *etc.* I have had an opportunity of asking some questions relating to the settlements on the Mississippi of a person sent thither, by Mr. Laws in 1717, who is just returned. He landed at the Isle aux Vaisseaux, which is in the mouth of the River, at a considerable distance from the shoar, but the nearest place they can land at, the coast being very low and the water shallow ; which is the reason he gives too, why they cannot anywhere about the mouth of the river build any ships as they pretended to do : nor can they without difficulty float their timber to the Isle aux Vaisseaux, or easily debarque from thence. But Pensecola, he says, with the Island that lies before the Bay makes an extraordinary good harbour capable of receiving a great number of ships of any burden : so that the success of their settlements in those parts seems very much to depend upon their keeping this place. Between the Illinois and the mouth of the Mississippi, he says, the French have about eighteen habitations : But as the River overflows its borders for three leagues on each side constantly every winter *etc.*, they will be obliged to keep their settlements at some distance from it ; their chief settlement, the new Orleans having lately been overflowed so that the inhabitants had some difficulty in saving themselves, *etc.* The Indian Nations which are very numerous on both sides of the River, he says, are as much in the French interest, as the French themselves *etc.* *Refers to affairs in Paris.* Paris, Dec. 5, 1719. *Signed*, D. Pulteney. *Endorsed*, Reed. 2nd., Read 3rd Dec., 1719. 2¾ pp. [C.O. 323, 7. No. 166.]

Nov. 24.  
Treasury  
Chambers.

**463.** Mr. Stanhope, Secretary to the Lords of the Treasury, to Mr. Popple. Encloses following, and desires a list of the debentures referred to, with the Board's observations there-

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upon *etc.* Signed, C. Stanhope. *Endorsed*, Recd. Read 26th Nov., 1719. *Addressed*.  $\frac{3}{4}$  p. *Enclosed*,

463. i. Petition of Agents for sufferers of Nevis and St. Kitts. Pray for 3 years interest upon the debentures due to said sufferers by the recent Act *etc.* 2 pp. [C.O. 152, 12. Nos. 164, 164. i.]

Nov. 24.  
New York.

**464.** [———] to Mr. Heatheote. Capt. Smith, Commander of the *Beaver* and bearer hereof having informed us that Collo. Lodwick, Mr. Baker and several other merchants have been to wait on you and desired that in case this Government became vacant you would joyn your interest with theirs in the obtaining it for your brother and since Collo. Hunter's return is not expected by any body in these parts, we *enclose* a certificate in favour of Col. Heatheote, whom all parties would be glad to see appointed Governor *etc.* *The certificate is said to be signed by the President and 7 of H.M. Council, the Mayor, Aldermen, Ministers, merchants and principal inhabitants of New York etc.* No signature or endorsement. 1 p. [C.O. 5, 1092. No. 11.]

Nov. 26.

**465.** Objections offered by Zeehariah and Rebecca Richardson to an Act of Pennsylvania. v. Oct. 6 & Nov. 18. *Endorsed*, Recd. Read 26th Nov. 1719. 1 p. [C.O. 5, 1265. No. 134.]

Nov. 27.  
Whitehall.

**466.** Mr. Popple to Charles Stanhope, one of the Secretaries of the Treasury. *In reply* to 24th Nov., encloses following. The persons concerned have performed what is required *etc.* *Enclosed*,

466. i. List of Sufferers by the French invasion of Nevis and St. Christophers in 1706, whose losses were on one of the said Islands, and their resettlements on the other, with the number and value of the debentures signed for them by the Lords Commrs. for Trade on 9th Sept. 1719, in pursuance of an Act pass'd the last Session of Parliament. *Names*:—(x) Sufferers on Nevis, resettled on St. Christophers, Mathurin Guignard, Leonard Woodward, James Stephens, Rachel Jones, Thomas Chezus, Eliza. Chezus, William Berryman, Hugh Berryman, Mary Huggins, Henry Litton, Thomas Teeper or Tipper. (b) Sufferers on St. Christophers who resettled on Nevis, orphans of Edwd. Moore, John Kitt. *Total value of debentures*, £1,424 19s. 6d. [C.O. 153, 13. pp. 448, 449.]

Nov. 29.

**467.** Governor Hunter to Mr. Doeminique. *Repeats* Dec. 2, q. v. *Continues*: If I am not mistaken there will be speedy occasion for some more good Councilors there, and the two who are talk'd of there viz. Bayard and Courtland have been the principal instruments in all ye trouble I mett with on that side

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and will never change their nature. I have some things of consequence to the Province to offer to their Losps. when I am able to attend. *Signed*, Ro. Hunter. *Endorsed*, Reed. 2nd, Read 5th Dec. 1719. *Holograph*. 3½ pp. [C.O. 5, 1051. No. 102.]

Nov. 30.  
St. James's.

**468.** H.M. licence of leave to Thomas Betts, Naval Officer in Jamaica, to continue in Great Britain for another year and execute his office by deputy etc. *Countersigned*, J. Craggs. [C.O. 324, 33. pp. 256, 257].

Dec. 12.  
Paris.

**469.** Extract of letter from the Earl of Stair to Mr. Secretary Craggs. I pressed H.R.H. again to give me an answer touching Sta. Lucia. I made him see what occasion that gave the malcontents at home to blacken the Ministers and Government, as if they sacrificed all the dearest interests of Great Britain to their connections with France, which was siezing our Islands and Colonies, without troubling themselves about the injustice and wrong thus done to the Nation; that the malcontents would not fail even to say that the occupation of this Island was made with the consent of the Court; and to support these evil insinuations by the discourses which the Governor sent by France had held with the masters of our vessels from Barbados who had landed at the said Island, to wit, that the English had ceded the said Island to France, in exchange for the part of the Island of St. Christopher which had been ceded to Great Britain by the Treaty of Utrecht. I begged H.R.H. to pay regard to the effects which such speeches delivered in one of the Houses of Parliament might have, and to be pleased to give me an answer as soon as possible on the head of the said Island, calculated to put an end to these evil rumours. The Duke of Orleans replied, that he was much displeased with the Marechal d' Estrées, who had put off from day to day delivering to him the papers proving the right of the Crown of France to the Island of St. Lucia. H.R.H. begged me still to have patience for two days, which was the extreme limit of time the Marechal had taken to remit the said papers; and H.R.H. promised me to examine the said papers with me, and that in case the right of France to the said Island were not clearly proved thereby, he would immediately give orders to dispossess M. le Marechal, and his Colony: so that I expect that to-morrow, they will let me see the papers in question. *Copy. French*. 2 pp. [C.O. 253, 1. No. 20].

Dec. 2.

**470.** Mr. Philips to Mr. Popple. There is a vacancy in the Council of New York etc. The Governor desires you will remember the minute made by their Lordships to choose Mr. Harrison into the first vacancy. *Signed*, A. Philips. *Endorsed*, Reed. 2nd, Read 5th Dec., 1719. 1 p. [C.O. 5, 1051. No. 101; and 5, 1124. p. 120].

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Dec. 3.

**471.** Extract of letter from Mr. Secretary Craggs to the Earl of Stair. I am sorry to hear that the Abbé Dubois continues still indisposed, but hope his health will soon give him leave to renew your conferences about the limits in the Plantations, and that in the mean time, you will be able to settle the affair of Sta. Lucia with the Marl'. D'Estrées. *Copy.*  $\frac{1}{2}$  p. [C.O. 253, 1. No. 19].

Dec. 3.

**472.** Petition of Samuel Buck to the Council of Trade and Plantations. In driving out the pirates, fitting out sloops to pursue them, and erecting the necessary fortifications against them and the Spaniards, the undertakers for settling the Bahama Islands have expended upwards of £20,000. To maintain possession, and to perfect the necessary works, will require a further expence and another independant company. *Pray to be reimbursed etc. Signed, Sam. Buck. Endorsed, Recd. Read 3rd Dec., 1719. 1 p. [C.O. 23, 1. No. 16].*

Dec. 4.  
Whitehall.

**473.** *Same to Same.* Memorial on the state of the Bahama Islands. On the arrival of Governor Rogers there were 200 destitute inhabitants and 5 or 600 pirates who surrendered to him, and about four score who made their escape with Vane the great Pirate *etc. v. 31st Oct., 1718.* The pyrates before ye Governor's arrival had brought into Providence about 40 sail of merchant shippes, where they were either burnt or sunk, and had plundered great numbers in ye Gulf of Florida, and the windward passage bound to England *etc.* *Pray for reimbursement of £11,394 spent on the forts, for their ship Delicia detained by the Governor as a guardship, (No. i.), and what the Governor has spent in maintaining the inhabitants and pyrates that surrendered, and fitting out vessels to take pirates executed there and sent to England and condemned. Also that another Independant Company may be sent thither with provisions etc. for 12 months. Petitioners were at great expences in transporting the soldiers wth. artillery and stores wth. Govr. Rogers, also great numbers of artificers and familys of Pallatines, Switz, French and other Protestants. These and all the inhabitants they have been obliged to support ever since, by reason of all the cattle having died, and many of the people from England from an infection arising from some raw hides brought in great quantities there by pirates before the Governor's arrival, which putrified. Owing to the war, the Spaniards refuse to supply them with cattle. Without some allowance from Parliament, petitioners must quit the Island, they having made no advantage either in planting or commerce, nor can any be made untill a peace with Spain. Pray for a speedy representation, the estimates being laid before Parliament etc. Signed, Sam. Buck. Endorsed, Recd. Read 4th Dec., 1719. 3 pp. Enclosed,*

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473. i. Account of expenses of the *Delicia* (v. *preceding*).  
£3990 10s. *Signed*, Wingate Gale. *Same endorsement*.  
1 p. [C.O. 23, 1. Nos. 17, 17. i.]

Dec. 4.  
Whitehall.

**474.** Council of Trade and Plantations to Mr. Secretary Craggs. *Enclose preceding* petition and memorial (Dec. 3rd). Upon which having sent for some of the Gentlemen concern'd in this undertaking, and discours'd with an officer lately come from thence, as also consider'd the letters which we have lately receiv'd from the Governor, we take leave to represent, that we find the several facts set forth relating to their expences to be true *etc.* We therefore Sr. considering the advantage these Islands are to the trade in those parts must desire you will please to lay before the King their petition *etc. as preceding.* As to the usefulness and advantage of the Bahama Islands, *etc.* we have been so particular in our letter of 2nd Jan. and 4th Feb. last, that we shall only desire you will take the first opportunity to lay the matter before H.M. for his directions with our humble opinion that another Independent Company with provisions and stores is absolutely necessary for the security and protection of those Islands, and that such allowance as H.M. shall think fit be made towards the great expence of the fortifications. At the same time if you'll please to lay before H.M. the great advantage it would be to our trade in America, could we in imitation of the French find means to extend our settlements towards the Bay of Mexico, especially at St. Augustine which is to the southward of Carolina and in the Gulph of Florida opposite to the Bahama Islands, this we should hope might easily be compassed with a small expence especially at present that we are at war with Spain, which would be a great security to H.M. Plantations and an advantage to the trade of Great Britain. [C.O. 24, 1. pp. 30-32.]

[Dec. 4.]

**475.** Copy of the trial of 10 pirates condemned at Nassau, New Providence by Governor. Judges and 7 Commissioners appointed by him. 9th & 10th Dec. 1718. Two were reprieved. With a description of their behaviour on the gallows *etc.* *Signed*, Cha. Bywater, Registrar. *Endorsed*, Reed. from Mr. Buck and Mr. Beauchamp, Read 4th Dec. 1719. 15 pp. [C.O. 23, 1. No. 18.]

Dec. 5.  
Whitehall.

**476.** Council of Trade and Plantations to the King. *Representation upon* Lord A. Hamilton's Memorial, Sept. 4th (*quoted*). We find ye allegations in the said Memorial to be true. If this debt be not discharg'd it may have very ill consequences; for, no man would for ye future advance any mony, even upon the most pressing occasions for ye service of that Island in subsisting the soldiers or otherwayes. This is a very just debt. The mony advanc'd was a very necessary service; for that ye



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soldiers must have starv'd if they had not done it: the Act for their additional subsistence being expiring, and the Assembly not then sitting. For which reasons we are humbly of opinion, that it is necessary the Lord Arch. and Council be repaid the said mony with lawfull interest: But since ye Assembly of Jamaica have absolutely refus'd to comply therewith we must humbly submit to your Majesty what other method shall be taken for doing the same. [C.O. 138, 16. pp. 244-247.]

Dec. 5.  
Whitehall.

**477.** Council of Trade and Plantations to the King. Recommend Fra. Harrison for the Council of New York in place of Killian Van Ranslaer decd. [C.O. 5, 1124. p. 120; and 5, 1079. No. 111.]

Dec. 6.  
Jamaica.

**478.** Governor Sir N. Lawes to Chas. Delaffaye. *Acknowledges* letter relating to H.M. Storehouses. *Continues*: You will observe by Sr. Wm. Beeston's bill of sale those store houses were purchased for the use of H.M. ships of warr and other occasions for H.M. publick stores but as it appears by the same bill of sale they were built and the land paid for by Charles Chaplin H.M. then Receiver Generall out of the publick revenue of this Island granted by H.M. for the support of the Government and the contingent charges thereof, I conceive the direction of them to be in me as H.M. Governor for the time being, the Governor allways allowing the use of them to H.M. ships of warr for their stores, but if their Exeys. the Lords Justices should be of opinion that the sole disposall and direction of them is vested in the Lords of the Admiralty I shall very readily submit to their Exeys. judgment. *Signed*, Nicholas Lawes. *Duplicate*. 1p. [C.O. 137, 46. No. 38.]

Dec. 6.  
Jamaica.

**479.** *Same* to Council of Trade and Plantations. *Acknowledges* letter etc. of July 9th, and has communicated H.M. Orders in Council, repealing Acts, (v. 26th May) to the Council and Assembly. *Encloses* Receiver Generall's last half year's accts. and Navall Officer's quarterly lists etc. *Continues*:— But notwithstanding I have long since given the most strickt orders to the proper officers (copy enclosed) to return to me constant accounts of the number of inhabitants and of births etc., yet it has not been possible hitherto to comply with my promise to your Lordships, so soon as I can obtain such accts. as may be depended upon, the same shall be transmitted by the next opportunity. I shall communicate to the Assembly what your Lordships write concerning the Act about trade to Hispaniola, pass'd by Mr. Heywood. In my last, of the 30th of July, I acquainted your Lordships, that we were going on with great vigour in repairing our fortifications and building a new line at Port Royall, which is since finished, and called Hanover-

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Line, it is an incomparable peice of work, and will have the entire command of the harbour, provided by your Lordships' intercession, his Majty. can be prevailed upon to give directions for supplying us with two and thirty gunns, 36 pounders, to mount thereon, with carriages and tackle etc. We have severall gunns unserviceable which I intend to send to the Board of Ordnance, by H.M. ships of warr, as opportunity offers, and I doubt not but they will return us weight for weight of new mettall for old, but the quantity being small, I intreat your Lordships will interceed with H.M. in behalf of the country, to make up to us the number of gunns, and of the size above mentioned. Our fortification fund which was in bank, is already so far exhausted by the late repairs that have been made, and by the building of this line, that unless H.M. is graciously pleased to asist us on this occasion, I'm apprehensive the country is so poor that they will not be able to purchase that number of gunns in a considerable number of years, so that we shall not reap any benefit and advantage from this new line in case of an invasion. The country and myself in particular, cannot but return your Lordships our most humble thanks for your favourable representation that H.M. share of seizures may be applyed towards the support of the Government of this his island. I beg leave by this to explain more fully what I meant, 31st Jan., in relation to the passing a perpetuall Revenue Bill, with clauses to enforce here some of the Statute Laws of England, *etc.* The Common Law of England, so far as concerns the life, limb or property of the subject, the people here were ever governed by, and think they have an undoubted right to the Statute Law, wherein the Plantations are named, or not circumscribed to particular bounds, but express'd at large within the Dominions of England, or such Acts of Parliament as are declaratory of the Common Law or confirmation thereof, we think ourselves entituled to, and the Courts of Law have always judg'd and determin'd accordingly. But whereas it has been disputed whether the Acts for preventing frauds and perjuries, and the Habeas Corpus Act, were in force here, or not, I am of opinion the Assembly will insist to have that doubt removed. *Encloses copy of preceding.* *Continues:* I was in hopes by this conveyance to have sent your Lordships the Minutes of the Council, but the frequent deaths and removalls that have lately happenn'd to officers, and the hurry of business which the present person officiateing has of late been in, prevents my sending them at this time, but your Lordships may depend of haveing them transmitted by the first opportunity. *Refers to letter of 28th April relating to the sureties for the sloops, since which,* the writt of error brought by Capt. Jennings before me in Council, as a Court of Appeals, upon a judgment obtained on his bond for £1500 in the Grand Court, come to a hearing some days ago, and the Council have reversed the said judgment. Mr. Bonfils

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has desired leave to appeal to H.M. in Council ; which I have granted him, and H.M. determination in this affair will be a guidance with respect to the putting in suit the bonds given by the other surties. *Refers to Minutes of Council and enclosure i. Continues :* There is one thing more, which I beg leave to mention, that when H.M. is pleased to make peace with Spain, to have an Article inserted in the Treaty, allowing us to cut logwood in the Bay of Campeche, this would not only be a considerable advantage to Great Britain, but to this Island in particular, and be the best means I can think of, to bring the pyrates to become good subjects, if we had a settlmt. there ; and it would likewise be an employment to severall of our seafaring people, who for want of encouragement here, go a roveing about, *etc.* *Signed, Nicholas Lawes. Endorsed, Recd. 1st Feb.. Read 2nd Nov. 1720. 5 $\frac{3}{4}$  pp. Enclosed,*

479. i. *Same to Same. Reply to queries of July 9th.* (i) Ever since my arrivall I have constantly recommended to the magistrates of the severall preeincts, from which such acct. [*of the numbers of inhabitants*] must be collected, the returning me proper accots. thereof, but finding them dilatory, I did on 20th May last issue a possitive order under my hand and seall directed to the severall custos's of the Island (*enclosure iii*), but as yet I have not received from them satisfactory accounts. (ii) By what information I have been able to obtain, the inhabitants have not much increased, tho' severall new settlements have been made. The men listed in the severall regiments = 2,700 or 3,000, much about the same as in the last accounts sent home in Lord A. Hamilton's Government. (iii) I am of opinion few or none have or will remove from this Island (except in case of sickness) to settle in any other of H.M. Collonies. this being as fruitfull and plentiful a country, and the product as advantageous to the Planter, as any of H.M. Collonies whatever. (iv) I am sorry to acquaint your Lordships, that our commerce to the Spanish coast (which is the only trade that makes us returns in gold and silver) has for late years considerably decay'd, the most conversant Spanish merchants we have here, attributes this to the vast quantity of European commodities which the French carried into the South Seas on the late Treaty of Peace, which so overstockt their marketts that the goods are not yet consum'd and the merchts. and traders which formerly used to come from Panama and other parts in the South Seas to Porta Bell *etc.* to purchase the commodities sent from this Island, which chiefly used to consist of the Brittish manufactories, have of late years been supplied with these commodities from

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the ports in the South Sea's, and the South Sea Compa. haveing then had the Assiento, consequently debarr'd our Free Trade with negroes ; but I'm in hopes those inconveniences which the Trade of this Island has lately laboured under will now speedily be removed from the necessity the Spaniards continually must be under of being supplied with negroes to work in their mines, and from a demand of European manufactors which they must needs have in a short time, the supply they lately had from France being now almost exhausted. (v) I know no other method [*of preventing illegal trade*] then putting the Laws of England which include the Plantations with respect to Trade and Navigation, and the laws of the Island which relate thereto, punctually in execution, and I have stricktly commanded H.M. Patent Officers and others concerned, diligently to observe their duty, and that the laws be duely complied with. (vi) *Refers to Naval Officer's accounts enclosed.* I have required of the Navall Officer a distinct list which shall be transmitted *etc.* (vii) As to what manufactories are settled in this Island, tho' we have severall things that this country produces, which will make very valuable manufactors, such as cotton, *etc.* yet the artificers and labourers that comes from Europe, that should work them, so soon grow lazy and indolent, that at this present juncture, I do not know of any one house for manufacturies in the Island, so that every-thing of apparell we wear, is of the manufactor of Europe, and consequently they must come to us directly from Great Brittain. (viii) For annual produce, refers to Naval Officer's lists and the Custom House. (ix) Trade with foreign Plantations. We have a frequent intercourse of trade with the Plantations on the Continent of North America, vizt. from New York, they bring us flower, staves, pitch and starr *etc.*, from Virginia the product of that country, Pensilvania flower *etc.*, Carolina rice, pork, flower *etc.*, New England and Philadelphia lumber of all sorts ; in return whereof to all the above-named places we send them most, partly rum and sugar and mony, and the commodities we have from foreign Plantations is chiefly gold and silver, cochineal, logwood and other dying woods, mules, coacoa *etc.*, which is in return to negroes and all other European commodities, but more particularly Brittish manufactors which we send them. (x) As to the tenth query, it consists of so many particulars and severall of them altogether out of my power to give your Lordships a distinct accot.,

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I hope, you will excuse me if I am not so particular in my answer *etc.* As to the methods used to encourage our neighbouring Colonies, the French on Hispaniola have an exceeding good method in peopling and settling that Island the King of France obliges every merchant ship that trades to that Colony to carry over a man with his wife and family more or less according to the burthen of the ship and when they arrive there they have a peice of land allotted to them and credit given them for a negro two or three out of a publick fund to help them to cultivate and manure this ground they entring into bond to repay the King with interest what the negroes are valued at out of the first produce of the said land which done the said land and negroes becomes legally vested in them *etc.* This makes them become fix'd settlers and industrious planters, and I wish such a method could be proposed to settle this Colony for I am intirely of opinion that this Island if ever thoroughly settled must be by industrious men with their wives and family's and not by runagadoes and a loose sort of people who are sent over servants for a term of years. (xi) The Naval Officer's accounts show that we are supplied from the Norward Plantations with flower, pork *etc.*, but its from Ireland we are cheifly supplied with salt beef, butter, herrings *etc.* We are supplied from no other place but Great Brittain with manufacturis. *Signed, Nicholas Lawes. Same endorsement.* 7½ pp.

479. ii. *Same to Same.* Jamaica, Dec. 6, 1719. Since I had last the honour of writeing, 30th July, the Council have agreed with me in calling of an Assembly which met on 20th Oct. last *etc.* *Refers to enclosures iv, v. Continues:* The first thing they went upon was appropriateing £4000 of the mony lying in Mr. Wyllis's hands Commissr. of the Deficiency Law past by Mr. Heywood towards the suppressing rebellious and runaway negroes who have lately committed severall outrages and have appeared in great numbers in and about the remote settlements, the Assembly have orderr'd this mony to be put into the hands of H.M. Receiver Generall and the Council making no objections to any part of the Bill, I readily gave my consent to it. They have appointed Committees to bring in severall bills, but many of them deserving mature deliberation and the Grand Court and Christmass Hollidays being so near at hand I did with the advice of the Council and at their own desire adjourn the Assembly untill the 12th Jan. next at which time I'm in hopes they will meet and go through the publick

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business with vigour and dispatch, their disposition to it appearing hitherto with a better aspect than in the last Assembly. I shall endeavour all I can to persuade them seriously to consider on the accomplishing those good ends which H.M. has been pleased so graciously and tenderly to recommend to them for their own good and the future prosperity of this Island. The Council and Assembly have join'd with me in an Humble Address of thanks to H.M. for his tender care of them, and haveing desired me to transmitt the same in the most acceptable manner, it goes by this conveyance to Mr. Secretary Craggs, and I humbly beg your Lordships countenance to it, that it may meet with a favourable reception from H.M. Your Lordships will please to observe by my Speech, that I have again recommended to them H.M. commands with respect to the payment of my Lord Archibald Hamilton they are not yet come to any resolution on that paragraph nothing shall be wanting in me to persuade them to comply with an Act of so much justice. I shall not omit in obedience to your Lordships commands of transmitting my reasons for passing such Acts as shall be thought for the publick service *etc.*  
*Signed and endorsed as preceding.* 2½ pp.

479. iii. Copy of order by Governor Sir N. Lawes to Custodes Rotulorum to return lists of the inhabitants of the respective parishes. *Same endorsement.* 1 p.

479. iv. Copy of Governor Sir N. Lawes's Speech to the Assembly, 20th Oct. 1719. *Same endorsement. Printed by R. Baldwin.* 4 pp.

479. v. (a) Address of the Assembly of Jamaica to Governor Sir N. Lawes, Oct. 29, 1719. *Printed (by R. Baldwin. Price one ryal).* 1 p. *Overleaf,*

479. v. (b) Reply to preceding. *Signed, Nicholas Lawes.* ½ p.

479. vi. Address of the Governor, Council and Assembly of Jamaica to the King. We do most chearfully embrace this first opportunity to congratulate your Majesty as well upon the success of your arms against your rebellious subjects in North Britain as upon the disappointment of the invasion designed by the Spaniards in favour of the Pretender. And we do crave leave to represent to your Majty. how highly sensible we are of your Majtys. great care and goodness towards this Island express'd in so many instancies and more especially in sending us ships of warr for the defence of our coast and the protection of our trade. It shall be on all occasions our perpetuall care and study to make your Majty. all suitable returns *etc.*  
*Same endorsement.* 1½ pp.

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479. vii. Copy of No. 478.  
 479. viii. Account of H.M. fortifications at Jamaica, 29th Sept., 1719. *Same endorsement.* 2 pp.  
 479. ix. Account of H.M. Revenue in Jamaica, 29th Sept., 1719. *Total*, £10,839 19s. 0½d. *Balance*, £7,616 11s. 3¼d. *Same endorsement.* 4 pp. [C.O. 137, 13. Nos. 39, 39.i-ix. : and (without enclosures) 138, 16. pp. 256-265.]

Dec. 7.  
 Boston, New  
 England.

**480.** Governor Shute to the Council of Trade and Plantations. This acknowledges the honour of your Lordships' letter of the 4th of June, which came not to my hands untill the 5th of October following. *Refers to* letters of 26th June and 29th Sept. I shall take care for the future to send the affairs relating to each Province in separate letters. The accompts of the Revenue have been constantly sent ever since they were required *etc.* *Refers to* letter of 9th Sept. I sent to the Secretary of the Province of the Massachusetts Bay, who tells me he has constantly every half year sent the Minutes of Council and Acts of Assembly to Mr. Secretary Popple and that he has acknowledged the receipt of them. I also sent to the Clerk of the Council of New Hampshire, to acquaint him that the Minutes of Council from the latter end of 1716 were wanting, who assures me that they were all sent. However I have ordered them to be transcribed again, and shall send them by the next ship. I have constantly taken care to remitt all papers, that any of my predecessors ever did and all the accompts that your Lordships have required, and shall for the future carefully continue so to do, but if there are any other matters relating to my Governments which the Honble. Board require, I shall be ready to send them upon the first notification if its practicable for Charter Governments are in many circumstances very different from those that are more immediately under H.M. directions. I shall take care that Mr. Bridger shall have all the assistance and countenance that possible I can give him towards the securing of H.M. woods, and have given instructions to the Officers of H.M. Customs to search every ship that sailes from this port, that so no timber may be shipped to Spain. Your Lordships are pleased to observe that you find many things relating to my governments printed in the publick news papers of which I had given the Honble. Board no manner of accompt ; in answer to which, I assure you, that it is without my knowledge or direction, so that I cannot be accountable for them. Your Lordships mention you are surprized that I did not acknowledge the receipt of H.M. Additional Instructions (v. June 4) *etc.* That Order tho' it bore date the 27th of Sept. 1717 came not to my hand untill the latter end of May, 1718. Upon the receipt of it, I wrote to Mr. Agent Dummer to acquaint the Honble. Board that I had received the order, and to desire to

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know whether this new order did affect the small impost and powder money which had been allowed here for thirty years past without the least forbiddance; who wrote in answer, that your Lordships would not allow it; whereupon at the next meeting of the Assembly I did with great difficulty put a stop to it. As to the papers relating to Canso Mr. Dummer owned the receipt of them and assured me that he laid them before your Lordships, and the reason why I sent them to him was that they might the more securely be delivered. The same ship that brought me H.M. Solicitor General opinion about the tryal of the pirates, brought me an Act of Parliament against clandestine running of uncustomed goods which I have given to the Collector of the Customs in which Act I find great complaints made by the Commissioners or Principal Officers of H.M. Navy, that pitch and tarr brought from the Plantations is frequently mixed with dross or water etc., whereupon I have given the necessary directions to prevent the same for the future. I have also received directions for the raising of hemp and making of turpentine which I have ordered to be printed and dispersed in the country; as also an Act passed in relation to making lands and tenements liable to pay debts, in which the clause objected against will be altered and sent for H.M. approbation. I shall take care that all the private Acts made, shall be sent to the Honble. Board, and have given orders to the Secretary of the Province, that when any Act shall be passed relating to any private person or persons that he acquaint such person or persons that if he or they do not appoint some Agent in England to solicit the dispatch of it, it will lye unconfirmed, *etc.* I am sorry I must acquaint you the paper bills still continue to sink in their value, for since my first arrival they were but at £60 p.c. discount and now they are in three years risen to £120. And though my head has been turn'd to find out some proper remedy, yet at present I am not capable of assigning any proper measures for redressing it, for want of some other medium of trade, but hope in a short time I may be able to propose something to the Honble. Board for their consideration. I have received Capt. Scott's bond and have delivered it to the Attorney Genl., who will put it in suit, whenever the parties that are bound shall be found, and shall do my utmost indeavours that the great number of British seamen and servants that used to be carried from Newfoundland to New England by New England ships, be discouraged and prevented. The Assembly of this Province has been sitting ever since I received your Lordships. letter, which has kept me constantly employed, so that I have not had leasure to take under my consideration the querys, (*v.* June 4) which will require time and deliberation, but shall endeavour to transmit answers so soon as I have received just informations and well weighed them *etc.* Our neighbouring Indians still continue to be at



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peace with us, but the Jesuits that are sent among them from the French Governments are constantly endeavouring to instill evil principles in them and to induce them, to break the peace that I have since my arrival concluded with them; which if it should happen would prove to be fatal to our new settlements at the eastward *etc.* M. Vaudrevill, to whom I have often sent and writ, has refused to restore our captives *etc.* (v. 9th Sept.). *Signed*, Samll. Shute. *Endorsed*, Reed. 11th Jan., Read 3 Aug. 1720. 3 pp. [C.O. 5, 867. No. 65.]

Dec. 8. **481.** Caveat by Daniel Coxe, against an Act of New Jersey *for running the line of partition between the Eastern and Western divisions etc.* Prays to be heard against it, when it is considered *etc.* *Signed*, Dan. Coxe. *Endorsed*, Reed. 8th Dec., 1719. Read 28th Nov. 1728. 1 p. *Set out*, N.Y. Col. Docs. V., 534. [C.O. 5, 972. ff. 172, 175 v.]

Dec. 9. **482.** Council of Trade and Plantations to the King. Report upon Act of Pennsylvania *investing the estate of Wm. Clarke in Trustees etc.* Quote objections offered Oct. 6 and Nov. 18. *Recommend* that, for the injustice in the said Act, it be disallowed *etc.* [C.O. 5, 1293. pp. 226-228.]

Dec. 10. **483.** Extract of letter from the General Court of the Massachusetts Bay to their Agent. You are doubtless inform'd that the duty of one per cent on British goods and tunnage in their shipping was not laid this year, so that they are now free, which you will carefully represent to our advantage. The great precaution which you observ'd in declining to lay that matter before the Board of Trade, when you had discover'd that it would be disagreeable, we highly approve. *Signed*, Jer. Dummer. *Endorsed*, Reed. (from Mr. Dummer) 15th, Read 16th March, 1724.  $\frac{3}{4}$  p. [C.O. 5, 868. ff. 39, 40v.]

Dec. 14. **484.** Petition of Capt. John Evans, R.N. to the King. *Prays* to be restored to his grant of land, vacated by the Act of New York *for vacating grants etc.* *Subscribed*,  
 484. i. Mr. Secretary Craggs to the Council of Trade and Plantations. St. James's. 14th Dec. 1719. *Refers* preceding for their report. *Signed*, J. Craggs. *Endorsed*, Reed. 21st Jan., Read 16th Feb., 1720.  $1\frac{3}{4}$  pp. [C.O. 5, 1052. ff. 3, 3v., 4v.; and 5, 1124. pp. 125-127.]

Dec. 15. **485.** Mr. Cumings to Mr. Popple. The Council of Trade and Plantations having desired an account of the fishery of New England the last year, I beleive it might amount to 150,000 qtls. including haddock, hake and pollock which wee call refuse which with the refuse codd is exported for the West Indies the

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marchantable being shipped for European markets the price of marchantable codd was 26s. pr. qttl. that money and refuse codd 15s. If the fishery att Canso was promoted and protected might be largely improved. *Signed*, Archd. Cumings. *Endorsed*, Reed. 21st., Read 22nd Dec., 1719. *Addressed*.  $\frac{3}{4}$  p. [C.O. 5, 867. No. 58.]

Dec. 16. **486.** Mr. Willard to Mr. Popple. Illness of a tertian ague  
Boston. and the session of the General Assembly has delayed dispatch of sessional papers *etc.* *Signed*, Josiah Willard. *Endorsed*, Reed. 28th Jan. 17 $\frac{1}{2}$ . Read 8th June, 1721. *Addressed*. 1 p. [C.O. 5, 868. ff. 55, 56 v.]

Dec. 22. **487.** Mr. Popple to Mr. Nivine. The Council of Trade and  
Whitehall. Plantations have appointed 8th Jan. to hear what you have to offer on the Act of Antegoa to *indemnify Anthony Brown and John Elliot etc.* Similar letter to Mr. Marsh, the Solicitor on the other side. [C.O. 153, 13. p. 450.]

Dec. 22. **488.** Memorial from Governor Hunter to the Council of  
London. Trade and Plantations. By late advices he apprehends that the present President has an intention to breake into the measures that the Governor had with much labour settled for the peace of that countrey and H.M. true interests, contrary to a letter of advice deliver'd over to him in and approved by the Council. Particularly he has begun with the change of some of the principal in the magistracy which they believe will be followed by that of all the rest, in order to a dissolution of this present Assembly, the most dutifull to their Sovereign and the most attentive to the true interests of the Colony that the Province could ever boast of. *Submits* that H.M. be advis'd to signify his pleasure to the President in Council that no alterations be made but what shall appear by advice of the Council there to be of absolute necessity, and that he by no means dissolve or suffer to dissolve for want of due prorogations this present Assembly *etc.* *Signed*, Ro. Hunter. *Endorsed*, Reed. Read 22nd Dec. 1719. *Holograph*. 1 $\frac{1}{2}$  pp. *Set out*, N.Y. Col. Does. V. 534. [C.O. 5, 1051. No. 103; and 5, 1124. pp. 121, 122].

Dec. 23. **489.** Council of Trade and Plantations to Mr. Secretary  
Whitehall. Craggs. Enelose preceeding and recommend that instructions be sent as therein proposed. *Set out*, N.Y. Col. Does. V. 535. [C.O. 5, 1124. pp. 122, 123; and (corrected draft) 5, 1079. No. 112.]

[Dec. 23.] **490.** Governor Johnson to the Council of Trade and Plantations. Before I had honour of your letter or had heard of any complaints made from England of the badness of pitch and

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tarr exported from this Province, we were sensible of the great abuses amongst ourselves and to remedy soe growing an evill, an Act was past to appoint a certain number of packers upon oath to gage what barrells of pitch and tarr should be shipped of, and to se that the same was good merchantable commoditys under certain penaltys as the said Act directts. Since I have received your Lordships' letter I have issued out a Proclamation to enforce the said Law *etc.* *Hopes* that no more complaints will be made *etc.* "but that those goods (the staple of our country) will bear an equall if not a larger price than from any other part of America." *Signed*, Robt. Johnson. *Endorsed*, Reed. 23rd Dec., 1719. Read 29th Jan., 17 $\frac{1}{2}$ . 1 p. [C.O. 5, 1265. No. 139.]

Dec. 24.  
Bermuda

**491.** Lt. Governor Bennett to Mr. Popple. *Encloses* papers to be laid before the Board. *Continues* :—I understand my invective enemys continue their base contrivances to hurt me, for they now report I have amast a great summe of money and that I desire to be recalled, which occasioned (as I hear) several to apply for this Govermt., but finding that would not doe, then I was said to be dead ; As for the first I desire yor. consideration whether its possible for me to have gotten £30,000 : (the summe they talk of) when my salary is but £340 p. ann. from the Treasury and as for my perquisites I solemnly declare they doe not mentain me, but supposing I were worth soe much I should not in honour dureing the warr desire to quit *etc.* *Acknowledges with gratitude his generous friendship etc.* *Signed*, Ben. Bennett. *Endorsed*, Reed. 29th Feb., Read 7th July, 1720. *Holograph.* 1 $\frac{3}{4}$  pp. [C.O. 37, 10. No. 14.]

Dec. 24.  
Bermuda.

**492.** *Same* to the Council of Trade and Plantations. *Refers* to letter of 8th June. *Continues* : On 20th of same month I received the duplicate of yor. Lordps' date 14th Oct., 1718, but the original has not come to hand. *Acknowledges* Commissions for pardoning and trying pirates *etc.* *Encloses* Naval Officer's lists Oct. 1715-1718. For what were wanting before, they are (as far as I am capable) a transcribing, but there being soe few clarks here, makes business goe on slow, therefore hope nothing will be imputed as a neglect in me ; nor can Capt. Tucker the Secretary for the same reason provide me with such transcripts for transmission as I require of him pursuant to my Instructions, but says all the expedition possible is making to qualifie him to perform his duty ; and as for the Journals of the Assembly wanting, the Speaker assures their Clark is employ'd in copying them : soe that I pray yor. Lordps. to believe I doe all I can to behave myself blameless : And as to what mistakes have been made in passing of Acts care shall be taken for the future. A New York privateer and two others from this country have brought in here four prizes, particulars

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whereof with their tryals I shall trouble your Lordps. with by the first opportunity after haveing copys. There has been lately an intention of blowing up the Magazine in the town of St. Georg's, but was happily prevented by the matches being discovered that were laid in order to compleat that horrid villainy, but who were concern'd in the design is not yet known, but believed to be the privateers, their richest prize (a Dutch trader) being cleared haveing noe contraband goods on board, which soe incensed them that several have been heard to rail on the Judges of the Admiralty and threaten revenge. *Refers to enclosure ii.* Capt. Martindale is a sensible man and doe verily believe what he reports is true. *Encloses Journals of Assembly 1st Mareh, 1708-12th April, 1714.* What remains untranscrib'd shall be sent in my next *etc.* *Signed, Ben. Bennett.* *Endorsed, Recd. 25th Feb., Read 7th July, 1720. Holograph.* *2½ pp. Enclosed,*

492. i. Address of the Governor, Council, Assembly, Clergy, officers and other principal inhabitants of Bermuda to the King. We adore the Divine Providence which so seasonably interposed, and disappointed the attempts of yor. Majesty's enemies both at home and abroad, and gratefully do acknowledge that great care your Majesty has taken to secure to us our rights and priviledges *etc.* Your Majesty has justly entred into a war with the King of Spain, who assumes to support a vain Pretender to your Crown *etc.* With hearts full of duty we will use our best endeavours to discourage all designs to weaken your authority *etc.* *Return thanks* for appointment of Benjamin Bennett *etc.* He leaves nothing undone to distinguish himself as becomes a vigilant and prudent Governour, and wholly devoted to yor. Majesty's interest *etc.* *Same endorsement. 1 p.*

492. ii. Journal of William Martindale, Commander of the sloop *Beersheeba*, recently arrived in Bermuda from Providence. Dec. 3, 1719, I came to anchor in Harbour Island, about 16 leagues from Providence; the same day came in Richard Clarke in a privateer sloop commissioned from Rhoad Island having 38 men and also Paul Miller in another privateer sloop with 42 men commissioned from New York. *Dec. 5th.* About 50 hands from the said privateers did endeavour to set fire to the houses in Harbour Island but some of the inhabitants prevented their design; however they did cut and wound many of them; who retreated to the Garrison from whence they fired severall small arms which killed one of them and wounded another through the arm. *Dec. 8th.* Governour Rogers having an account of the aforesd. mutiny sent Cpts. Porter

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and White two privateers of Providence to bring the Commanders of both the others to Providence. 16th. The *Flambrough* man of warr sailed on a cruce bound for the coast of Florida and Cuba. Advice from Jamaica say that Capt. Bonivea commissioned from thence with 60 hands or thereabouts ; took one Capt. Tunjoe Commander of a Spanish privateer from Cuba she having 160 men on board ; the English Commander carried the said Spanish privateer into Jamaica, they ingaged several hours and many men were killed and wounded on both sides. Further advice from Jamaica say that Capt. Merrychap of Jamaica in a privateer with 68 men ; ingaged with a Spanish privateer with 140 men from Leverdecruce ; she had 160,000 peices of eight on board ; they were lashed board and board for four hours ; both Commanders were killed and many of the Spaniards ; the English quitted her for want of ammunition. By a further account from Jamaica the Dutch Dogger brought in by Capt. Hichford Commander of a privateer from York ; was cleared by the Admiralty Court in Jamaica ; one of H.M. ships of warr from England arrived there soon after, the Commander whereof seized her and unladed her and put the cargo in warehouses, till he receives advice from home by reason of her being taken on the Spanish coast and having on board Spanish commodities (vizt.) eucao and hydes. (19th). I sailed from Providence at which time the two privateers sent to Harbour Island were not returned nor no account of their proceedings. *Same endorsement. Copy. 1½ pp. [C.O. 37, 10. Nos. 15, 15. i., ii. ; and (abstract of preceding covering letter), 37, 24. pp. 6, 7.]*

Dec. 24.  
S. Carolina.

**493.** The “new pretended” Council and Assembly of S. Carolina to the Council of Trade and Plantations. The great extremitys H.M. subjects of South Carolina were reduced to by the confused negligent and helpless Government of the Lords Proprietors over them, endangering the utter loss of this part of H.M. Dominions in America forced us as the only means for our preservation to renounce all obedience to the Lords and to throw ourselves at the foot of the Throne of his most Sacred Majesty King George ; humbly imploring him that he will be pleased to take us into his imediate protection and Government ; and as the pressing necessitys the said inhabitants lay under admitted of no delays, they made choice of their Representatives to meet in convention, to proceed in this affair with all possible decorum which so speedy a remedy could admit of. The danger which we expect this Settlement may suddenly fall under pressing us to be very expeditious in our resolves and

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being very desierous that your Lordships should be made acquainted with the steps we have taken for our preservation and that our ardent zeal and good inclinations to H.M., and that the perilous condition of this Settlement may be laid before H.M., we would not omit giving your Lordships some short account of our grievances and proceedings by a ship which is ready to sail for Great Britain; and do intend by the very next opportunity to inform your Lordships of all the miserys and misfortunes which have attended us under the Proprietors Government. The continual incursions and depredations on our frontiers made by the Spaniards, and Indians (which seldom give any quarters) incited and encouraged thereto by the Spanish garrison at St. Augustine, and the repeated advices we have received of the warlike preparations making at the Havana and several other Spanish Ports in order to subdue and make a compleat conquest of this Province now in a feeble condition to make resistance, being exhausted by the late terrible Indian war, the vast expence we have been at in subduing the pyrates for the defence of trade and the wretched condition our fortifications are in being demolished by hurricanes, and the small means we have left of putting ourselves in a posture of defence being defeated and deprived of the means thereof by the confused constitution of the Lords Proprietors Government over us, are but branches and parts of our misfortunes. The powerful settlement the French are now making within the limits of the Lords Proprietors Charter, and their building forts within the territories of this Province notwithstanding the many applications made to the Lords Proprietors to prevent it, and to send us succour for our defence, has already had this very ill effect that almost all the Nations of Indians to the S.W. of this Settlement have withdrawn their obedience from the British Government and depend wholly on the Crown of France. Whereby under God nothing can save this Settlement from falling into the hands of France upon the first warr with that Crown, and even Virginia and other H.M. Dominions in North America will thereby be in very great danger. As for the many other insupportable grievances, we lye under with respect to the Lords Proprietors Government care shall be taken to transmit them to your Lordships by the first opportunity. The Representatives of H.M. subjects in South Carolina meeting in convention, having taken these things into their serious consideration have unanimously renounced all obedience to the Lords Proprietors and their power, and thrown themselves under H.M. imediate Government, and they having first offered the administration thereof exclusive of the Lords Proprietors to the Honble. Robert Johnson Esqr. their then Governour, and he refusing the same, have prevailed upon the Honble. Colo. James Moore Esq. a person zealous for and well affected to H.M. person to accept of the Government of this settlement

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on H.M. behalf untill H.M. pleasure be further declared therein. These with great submission we esteem to be the onely proceedings we could make towards preserving this H.M. Colony and untill we can send them to your Lordships at large, we hope that no false glosses or misrepresentations that may be put upon and made of our actions, will induce your Lordships to believe that we had any other views in this affair, but the honr. of His most sacred Majesty King George, as a truly loyal people and the safety and preservation of this settlement. *Signed*, by order of the Commons House of Assembly, T. Hepworth, Speaker; Hovenden Walker, Richd. Allen, Sam. Eveleigh, George Chicken, Thos. Smith, Alexandr. Parris, Richd. Beresford, Council. *Endorsed*, Recd., Read 18th Feb., 17<sup>19</sup><sub>20</sub>. *Addressed*. 3 pp. [C.O. 5, 1265. No. 142].

Dec. 24.  
Boston,  
N. England.

**494.** Governor Shute to the Council of Trade and Plantations. *Refers to* letter of 7th Dec., *and encloses* Minutes of Council and Assembly of New Hampshire since his arrival. *Continues*: I observe in your Lordships' letters that I should have specified the *vacancies in the Council* of New Hampshire, *etc.* One I have been obliged according to my Instructions to supply because there was not the number of seven, his name is Thomas Paker Esq., he was Speaker of the House of Representatives and has a good estate and succeeds John Smith Esq. who would not accept it. Thomas Atkinson and Richard Gerrish Esqs. are dead and Thomas Phipps Esq. that was appointed a Counciller will not accept of it, to supply which vacancies I humbly propose Archibald Mackphædris, Nicholas Gilman and Peter Ware *etc.* *P.S.*—The boundaries of New Hampshire with a map shall be transmitted in the spring *etc.*; as also an answer to the Queries relating to that Province where at present everything is quiet. *Signed*, Samll. Shute. *Endorsed*, Recd. 27th Jan., Read 4th Aug., 1720. 2 pp. [C.O. 5, 867. No. 71].

Dec. 25.

**495.** Office expences of the Board of Trade, Sept. 29—Dec. 25, 1719. v. Journal of Council. [C.O. 388, 77. Nos. 66, 68, 70].

Dec. 26.  
Whitehall.

**496.** Mr. Secretary Craggs to Peter Schuler, President of the Council in New York. The King having received information, that, since the administration of the Government of New York has devolved upon you by the absence of Brigadier Hunter you have begun to make such alterations in the magistracy, as may be prejudicial to H.M. service, if your further proceeding therein be not prevented. I am hereby to signify H.M. express commands to you, that you do not make any other alterations than such as shall be thought by the Council to be absolutely necessary, and particularly, that you do not presume to dissolve the present Assembly, or suffer the

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same to be dissolved for want of due prorogations, till H.M. further pleasure be known. *Signed*, J. Craggs. *Mem.* Delivered to Col. Hunter, to be forwarded by him *etc.* [C.O. 324, 33. p. 258].

Dec. 27.  
Charles  
Towne,  
S. Carolina.

**497.** Governor Johnson to the Council of Trade and Plantations. I think it my duty to acquaint your Lordps. of the extraordinary event that has hapned in this Province; The people labouring under very great taxes and debts occasioned by the Indian war, the intelligence we have of the designes of the Spanniards attacking the place, and the unhappy situation they are in as a frontier to the Spanniards, and at present the great settlemts. the French are also making which some time or other may prove fatal to them, and the continuall danger of another Indian warr; and some differences lately arisen betwixt the Lords Protrs. and the people about their previllages, has stirred up the minds of severall of the richest inhabitants who have put it in the heads of the Commonallity, that neither they nor their posterity can be secure in their persons or estates, and that the Province cannot long subsist, without the imediate protection and assistance of the Crown, have one step after another at last with one accord, disclaimed any obedience to the Lords Proprietrs. and because my honr. as being intrusted by their Lordps. would not permit me to accept the Governmt. in any other manner, than as I was commissioned, and because I had no power from H.M. so to do, and did apprehend that wt. they were doing was irreguler they have elected another, who has taken upon him to hold the Governmt. in the King's name alone, till H.M. pleasure be further known; I beleive they must do me the justice, that I have always behaved myself with the greatest loyalty and obedience to the King *etc.*, and am unfortunate only, and have lost my bread, for no other reason but because I had not the honour to bere H.M. imediate Comission; I have apprized the Lords Protrs. of the perticulers of this defection; I know not how well pleasing the manner of doing this may be to the King; but as by the Address of the People to me (the copy of which I inclose) it appears I have not misbehaved myself, nor that my maleadministration has occasioned this; I presume to hope for your Lordps. favours and recommendation of me for Governour, in case H.M. takes it into his own hands. If not, that I may be restored by his especiall order and command, till such time as his pleasure be further known *etc.* The poor proffits of the Govermt. at the best, the extraordinary expence I was at, in suppressing severall pyrats, and the short time of my being here (the extraordinary expence of my comming over included) I am £1000 sterling worse by having ever had it. *Signed*, Robt. Johnson. *Endorsed*, Recd. Read 24th Feb. 17<sup>19</sup>/<sub>20</sub>. 2 pp. *Enclosed*,



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497. i. Address of the Representatives of South Carolina to Governor Johnson, Charles Towne. It is no small concern that we finde ourselves obliged to address yr. Honr. in a matter for which nothing but the absolute necessity of self preservation could have at this juncture prevaled on us to do. The reasons are already by us made known to yor. Honr. and ye World. Therefore forbear to rehearse them but proceed and take leave to assure you that it is the greatest satisfaction immaginable to us to finde throughout all ye country what universall affection difference and respect the inhabitants bear to yor. Honrs. person and with what passionate desire they wish for a continuance of yor. gentle and good administraction, and since wee who are intrusted with and are the assertors of their rights and liberties are unanimously of oppinion that no person is fitter to govern so loyall and obedient a people to His most Sacred Majesty King George so we most earnestly desire and intreat yor. Honr. to take upon you the Government of this Province in H.M. name till his pleasure shall be known, by which means we are convinced that this (at present) unfortunate Collony may flourish as well as those who feal the happy influence of H.M. imediate care. As the well-being and preservation of this Province depends greatly on yor. Honors. complying with our requests so we flatter ourselves that you who have exprest so tender a regard for it on all occasions and perticularly in hazarding yor. own person in an expedicon against the pyratts for its defence an example seldome found in Governours, so we hope Sir. that you will exart yourself at this juncture for its support as we promise yor. Honour on our parts the most faithfull assistance of persons duly senceable of yor. Honrs. great goodness, and big with ye hopes and expectations of H.M. protection and continuance, and wee will in the most dutifull manner address his most sacred Majesty for the continuance of yor. Government over us under whome we doubt not to be a happy people. *Signed*, Saml. Jones, Paul Hambilton, Hugh Hext, Richd. Harris, Jno. Raven, Wm. Elliot, Thos. Lynch, Jonathn. Drake, Tho. Hepworth, Andr. Allen, Jos. Morton, Jno. Godfrey, Jno. Gendron, Jno. Williams, Danl. Huzer, Richd. Smith, Wm. Wilkins, Ar. Middleton, Geo. Logan, Alexr. Skene, Xep. Wilkinson, Richd. Beresford, Jono. Fenwick, Benja. Schenekingh, Geo. Chicken, Wm. Dry, Walter Izard. *Copy.* 1 p. [C.O. 5, 1265. Nos. 143, 143. i.]

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Dec. 31. **498.** Copy of Privy Seal directing salaries to be paid to the Lords Commissioners for Trade and Plantations. *As* July 16, 1718, but substituting Earl of Westmorland for Earl of Holderness. (v. 11th May). *Endorsed*, Reed. Read Jan. 21st, 17 $\frac{1}{2}$ . 4 pp. [C.O. 388, 77. No. 71.]

[?1719.] **499.** The case of the Marquis of Navares. He was robbed and marooned by John Lewis whom the Governour of Carolina, Mr. Craven, allowed to escape (1715). *Urges* that the prosecution of Mr. Craven, which was begun by the Crown, but has been allowed to languish for a year and a half, may be continued, the Treasury refusing to supply any more money. It is necessary to send commissions to Jamaica and Carolina to examine witnesses *etc.* *Without date or signature.* [C.O. 23, 13. ff. 1, 2.]

[?1719.] **500.** Memorandum of law, 5 George I. c. 27. restraining artificers from being enticed abroad *etc.* 1 $\frac{1}{4}$  pp. [C.O. 5, 4. No. 21].

[1719.] **501.** Mr. Bridger to Mr. Popple. *Encloses following*, to show the original cause why the Surveyor was allowed deputies. Brenton was Collector at Boston and therefore was allowed to Act by deputy *etc.* From him and his predecessor Mr. Randol the distruction of the woods arose first of all, for they never knew their duty nor where it lay *etc.* 'Tis plain by the letters which came in the last ships that Mr. Dummer removed me and Mr. Burniston has no other intrest but his *etc.* I have brought those very people which has been the greatest destroyers of H.M. woods into such a method that the(y) shall not cut one tree this winter, wch. is more than I could ever do before, and I defie any stranger to do it, *etc.* P.S. I'm so cold I cannot write wch. I hope you will exeuse *etc.* *Signed*, J. Bridger. *Endorsed*, Reed. 28th Jan., 17 $\frac{1}{2}$ . Read 5th July, 1722. *Addressed*. 2 $\frac{1}{3}$  pp. *Enclosed*,

501. i. H.M. Warrant appointing Jahleel Brenton Surveyor of H.M. Woods in Main and New Hampshire, to view the woods himself or by deputy *etc.* 24th Sept., 1690. *Copy*. 1 $\frac{1}{2}$  pp. [C.O. 5, 868. ff. 243-245v.]

[1719.] **502.** (a) Copy of Act of Parliament for giving further encouragement for importing Naval Stores, as passed by the House of Commons. (b) Copy of Lords' Amendments to preceding. *Endorsed*, Reed. (from Mr. Jodrell's Clerk) 15th Sept., 1721. 20 $\frac{1}{2}$  pp. [C.O. 323, 8. Nos. 22, 23.]

[1719.] **503.** Letter of Attorney from some Palatines in New York to John Conrad Weiser, William Schef and Gerard Walraet to represent their grievances to H.M. *etc.* *No signatures.* *Endorsed*, Reed. Read 16th Aug., 1720. 1 $\frac{3}{4}$  pp. [C.O. 5, 1052. ff. 77, 77v, 78v.]

## COLONIAL PAPERS.

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1720.

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1720.  
Jan. 3.  
Boston in  
New  
England.

504. Governor Philips to the Council of Trade and Plantations. I had the honour of advising your Lordships in October last, of my arrival, and intention of proceeding in the man of warr on this station for Annapolis Royall, and am sorry for this occasion of acquainting you, that having embark't accordingly, after waiting five weeks, which was spent in fitting out the ship, all endeavours was used to gaine the passage but winter overtaking us, when the navigation on that coast, especially of the Bay of Fundee becomes impracticable, I was sett on shore in Casco Bay, and am returned to winter here not by choice but necessity. I will not take up your Lordships' time with a journal of my proceedings unless necessary for my justification to prove that I have lost no time or oppertunity that was in my power from the moment I recieved my Instructions, of repairing to my duty. It will be my care to sett forward again, as soon as the winter breaks up, and in the meane while to improve this absence in the best manner I can to the good of H.M. service. I am glad to hear that some of your Lordships have been at the Court of France, to settle the affairs of these countrys, which was absolutly necessary for the peace, and safety thereof, and could not be managed by better hands, and yett after all that your Lordships may have done, there will ever remaine a great obstruction to our happiness whilst the Priest and Jesuits are among us, for it is not to be imagined whith what application, they incourage the French, and Indians, against submitting to H.M. Government, and even their sermons are constant invectives, against the English Nation, to render it odious to the natives, among this tribe are Pere Vincent and Fœlix, who distinguish themselves for most inveterate enemies, to the Brittish interest, and preside in the quality of Governors over Minas, and Chignecto, two most considerable settlements, in Nova Seotia, the people pay them a willing obedience, and are growne so insolent as to say they will neither swear allegiance nor leave the country *etc.* How far they may change their sentiments at my arrival, is uncertaine. I shall not faile to publish the King's gracious intentions toward them, and endeavour to convince them, they are acting against their owne intrests, but the best argument will be a reinforcement of troops, for they are ignorant, that the garrison of Annapolis, consisting

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but five companys upon a low establishment, will not admitt of a considerable detachment to be sent against them, and tho' force, need not be made use of, but as the last remedy, it is my humble opinion, that I should have orders, to move three companys, forthwith from Placentia, which are not wanted there, the remaining part being sufficient to carry on the small work intended there, and that at the same time, the Enginier have direction sent him for raising a fortification to containe two companys, with a few cannon in a convenient seituation, for keeping those neighbouring settlements in obedience, for they are computed at above 400 families, and 'tis observed, they multiply exceedingly, and likely in a few years, to become a numerous people, and therefore (with submission) this is the time to take care of them. The French from Cape Breton have continued theire fishing last season at Cancoe under a guard of soldiers, intending that for the chief settlement, if theire pretended right, could be made out. It is (by all accounts) the best and most convenient fishery in any part of the King's Dominions, the people from the west of England, have found a great satisfaction in the place, and will return with many ships in the spring *etc.* I heare nothing of the presents, that were ordered for the Indians, and would be very apropos at my arrival among them. I could not stay for them without loosing my passage, but left an officer to take care of them. I was likewise told that the Surveyor should have imediate orders, to attend the service of Nova Scotia for marking out the King's woods, which is a work of time and expence, as he must have a sloop to attend him, your Lordships are sensible, that I am by my Instructions forbid making any settlement while that be done *etc.* I meet with many old patents granted to people of New England, and yett produced for approbation, by Col. Dongan while Governor of New York, for lands lying, in a part called the King's Territory between New England, and Nova Scotia and as I imagine under the Government of the latter, perticularly one in favour of the President of this College, of thirty miles extent likewise many old Indian grants, for vast tracts, in the same territory, which have never had the sanction of any Government, and too large to be ever improved by the present claynants, which being looked, on as a great inconvenience to the well settling, of these countrys, (as my Instructions sett forth), and may in these cases be remedied is the reason of my troubling your Lordships, *etc.* I have the honour of wishing your Lordships, a happy New Year *etc.* Signed, R. Philips. Endorsed, Reed. (from Col. Gardner) 22nd April, Read 14th July, 1720. 5 pp. Enclosed,

504. i. Lt. Governor Doucett to Governor Philipps, Annapolis Royall, Jan. 15, 17<sup>1</sup>/<sub>10</sub>. On the arrivall of Mr. Wroth I received the wellcome confirmation of your Excellency's being in America, and that [you] had sent

1720.

dispatch's to me, by one Walters bound hither, who I fear is lost *etc.* I am in great hopes your Excellency is safe, being inform'd you had Captn. Southack on board who is judged to be the best and safest pilot on this coast *etc.* Mr. Erskine is settling the provisions in order for Mr. Shirreff to make up the accounts. I thank God the garrison continue in health, tho' the works drop dayly. The French still continue their clandestine trading to the great detriment of this Colony. There is another sloop now building att Minis to carry of in the spring, wth. provisions *etc.* to Cape Breton where they sell their sloop and cargoe (as they have lately done two, one of 60 tun, and one near 50) and return for more by Bay Vert, and bring French comoditys back, in short Sir if they are suffer'd another year, to drive their eattle some overland to Chebucto, and there taken in to be transported to Cape Breton, and others transported wth. quantities of wheat from Minis, the Colony will feel a very senceible blow, besides no trade or vent for English comoditys. I wish your Excellency would have brought a good sailing sloop, *etc. etc.* Signed, John Doucett. *Same endorsement.* 2 pp. [C.O. 217, 3. Nos. 5, 5.i.; and (without enclosure) 218, 1. pp. 459-464; and (abstract of covering letter) 217, 30. pp. 8, 9.]

Jan. <sup>4</sup>  
15.  
Paris.

**505.** Mr. Pulteney to the Council of Trade and Plantations. On the 13th inst. (N.S.) I waited on My Lord Stairs and Earl Stanhope to a conference with the Marechal d'Estrées and the Abbé Dubois, at which the Regent was present, the subject of it was to be about Sta. Lucia. The Marechal d'Estrées undertook to prove the right and title of the French to that Island, from several papers, part of which he read, but indeed in so very broken and imperfect a manner that the Regent himself could not but take some notice of it; However the substance of what the Marechal pretended to prove was, that the French were as early as the English in discovering the Caribbee Islands; that the French West India Company had a patent from Lewis the 13th in 1627 for settling at St. Christophers and Barbados, that there had been eight French Governours successively in Sta. Lucia from 1650 to 1664 when some English came and dispossessed the French; He read the capitulation made between the English and French upon that occasion, which was in common form, and he said that enterprize of the English was made in time of peace, and without authority from the Governor of Barbadoes, who had disown'd it, but this he proved no otherwise than by a letter from the French

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Governor of Martinique to the Govr. of Barbadoes, complaining of that enterprize and supposing it to have been done without authority; the Marechal added to this that the English who had in that manner taken possession of Sta. Lucia being sensible that they had done wrong, sent Deputys the year after to Martinique, where those Deputys publickly acknowledged before the Governor and Council of that Island the right of the French to Sta. Lucia and condemned their own enterprize, and that in consequence of this, the English did immediately quit Sta. Lucia. But the argument the Marechal chiefly insisted on, and which the Regent himself seemed to give most countenance to, was, that by the 12th Article of the Treaty of Breda, the King of Great Britain was to restore to the French all they were in possession of before 1665, and as they were before that time in possession of Sta. Lucia, it belong'd to them by virtue of this Treaty. I shall not trouble your Lordships with the particulars of our answer *etc.*, because it was chiefly taken from the several papers in your office, and since it was agreed, that each side should at the next conference give a deduction in writing of their several proofs *etc.* However, I must observe to your Lordships that the Regent was pleased to say the strongest argument on our side, is, that we were in possession of Sta. Lucia when the Treaty of Neutrality in America was made in 1686 and that the fourth article of that Treaty declares that each King should keep what he was at that time possess'd of in America; but he added that in answer to this it might be alledg'd that the French having continued their pretensions to Sta. Lucia soon after the making that Treaty, it was a proof they never understood their right to that Island to have been prejudiced by it. It was urged by My Lords Stairs and Stanhope that since it appear'd even by the French accounts that we had always contested our right to that Island, they could not by any pretence justify their taking possession of it in the manner they have lately done; and this was pressed with so much reason that the Regent own'd it would be but just the French Colony lately sent there should be withdrawn, and he promised orders should be dispatched to this effect. But I must add that the Regent and the Marechal d'Etrées understood that about 50 French familys were on that Island before the arrival of the last Colony (which they said was very inconsiderable) and that these 50 familys should continue there till the claim of right is absolutely determined in our favour. *P.S.*—I could not but take notice that Mr. D'Etrées said, the English historians own'd we never had any settlement at Sta. Lucia, I suppose he meant the British Empire, tho' I take for granted he never read or saw it. *Signed, D. Pulteney.*  
*Copy. 4 pp. [C.O. 253, 1. Nos. 21 (Endorsed, Sent to Mr. Poyntz, Jan. 30, 17<sup>33</sup>); and (without endorsement) 22]; and (endorsed, Reed. Read 13 Jan. 17<sup>33</sup>). 28, 15. No. 58.]*

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Jan. 4  
15.  
Paris.

**506.** *Same* to Mr. Popple. *Acknowledges* letter of 31st Dec. *Continues* :—It would be of use to me to have answers to the following questions : Whether any English were settled on Sta. Lucia in 1664-1668 ; Whether any French were settled there in those years ; Whether the French Commissioners appointed by the Governour of Martinico to treat with those appointed by Sir Thos. Wheeler and Collo. Stapleton concerning St. Christophers and other matters in consequence of the Treaty of Breda, did make any demand about Sta. Lucia ; Whether any French or English were settled on that Island at the time of the Treaty of Reswyck, or during the last war from 1701 to the Treaty of Utrecht, or at the time of making that Treaty *etc.* *P.S.* I should be glad to know whether you have heard from the Governor of Barbados abt. Sta. Lucia since my coming away. *Endorsed*, Recd., Read 13 Jan., 17 $\frac{1}{2}$ . 2 pp. [*C.O.* 28, 15. No. 59].

Jan. 4.

**507.** Mr. Secretary Craggs to the Council of Trade and Plantations. You are to lay before the House of Commons the account they have addres't for *etc.* *Signed*, J. Craggs. *Endorsed*, Recd. 5th. Read 7th Jan. 17 $\frac{1}{2}$ .  $\frac{1}{2}$  p. *Enclosed*,

507. i. Resolution of the House of Commons, 21st Dec. 1719, to address H.M. for an account of what fishing ships and sack ships and men aboard them have been employed in Newfoundland and St. Peters, 1710-1719 *etc.* *Signed*, Paul Jodrell, Cl. Dom. Parl. *Copy*. 1 p. [*C.O.* 194, 6. Nos. 73, 73. i.]

Jan. 8.  
St. James's.

**508.** Order of King in Council. Referring following to the Council of Trade and Plantations for their report. *Signed*, Robert Hales. *Endorsed*, Recd. 12th. Read 15th Jan., 17 $\frac{1}{2}$ . 1 $\frac{1}{4}$  pp. *Enclosed*,

508. i. Petition of John Moody to the King. Prays for compensation for lands purchased by him in Placentia, now seized for H.M. use, to erect a fort upon *etc.* *Set out*, A.P.C. II. No. 1331. *Copy*. 2 $\frac{1}{2}$  pp. [*C.O.* 194, 6. Nos. 74, 74. i.],

Jan. 8.  
St. James's.

**509.** Order of King in Council. Approving Representation of 5th Dec. 1719, and ordering that the Governor of Jamaica be instructed to pay with interest the money advanced by Lord A. Hamilton and the Council out of the first and readiest of the Revenues of H.M. said Island. *Signed*, Robert Hales. *Endorsed*, Recd. 22nd. Read 29th Jan. 17 $\frac{1}{2}$ . 1 p. [*C.O.* 137, 13. No. 37 ; and 138, 16. pp. 248, 249.]

Jan. 8.  
St. James's.

**510.** Order of King in Council. Confirming Act of Nevis for raising a poll-tax on negroes *etc.* *Signed*, Robert Hales. *Endorsed*, Recd. 22nd. Read 29th Jan. 17 $\frac{1}{2}$ . 1 $\frac{3}{4}$  pp. [*C.O.* 152, 13. ff. 1, 1v., 2v.]

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**Jan. 8.** **511.** Order of King in Council. Repealing Act of Pennsylvania concerning the estate of William Clarke. (v. 9th Dec., 1719). *Signed*, Robert Hales. *Endorsed*, Reed. 22nd. Read 29th Jan., 17 $\frac{1}{2}$ . 1 $\frac{1}{2}$  pp. [C.O. 5, 1265. No. 138.]

**Jan. 8.** **512.** Order of King in Council. Appointing Francis St. James's. Harrison to the Council of New York. *Signed*, Robert Hales. *Endorsed*, Reed. 22nd. Read 29th Jan., 17 $\frac{1}{2}$ . 1 $\frac{1}{4}$  pp. [C.O. 5, 1052. ff. 1, 1v., 2v.; and 5, 1124. pp. 123, 124.]

**Jan. 8.** **513.** Mr. Secretary Craggs to the Council of Trade and Whitehall. Plantations. Several merchants and others belonging to Barbados having complain'd to H.M. of the administration of Governor Lowther *etc.*, *encloses* following for their report. *Signed*, J. Craggs. *Endorsed*, Reed. 11th. Read 12th Jan., 17 $\frac{1}{2}$ . 1 p. *Enclosed*,

**513. i.** Samuel Cox, Member of Council of Barbados, to the Lords Commissioners of H.M. Treasury. In Dec. 1718 a Spanish sloop, the *Mary*, commanded by Pablo Planes, a subject of the King of Spain and owned by Don Francisco del Rineon Quinones a Spaniard also, arrived in Barbados and on 29th Dec. Governor Lowther in Council permitted her to unload and trade in her goods of Spanish produce, in spite of my protests that this was directly contrary to the several Acts of Parliament *etc.* *Endorsed as preceding.* 1 p.

**513. ii.** Petition of Francis Lansa, part owner of the *St. Louis* of Lisbon, to the King. In Dec. 1718 the *St. Louis*, in her passage from Brazill to Lisbon sprung severall dangerous leaks and was forced into Barbados. John Demoracin, master, applied to the Governor for permission to unload in order to refit her. (v. 7th Aug. 1719), but could not obtain the same untill he made him a present of 38 oz. of gold dust. The Governor, his Secretary and the Collector of Customs also extorted from him a considerable quantity of sugar, by which practice the owners were endamaged 2000*l.* The Committee for hearing appeals directed enquiry to be made in Barbados. Petitioners' attorneys by their Councill, Nathan Blennan, moved Governor Lowther to have the method of examination directed by the said order pursued. The Governor demanded a sight of it, which was delivered to him. Petitioners' Councill, after having been grossly abused by the Governor was committed and now stands bound over to the Grand Sessions in 1000*l.* bail. The Governor refused to re-deliver the said order, and petitioners' letter of attorney to Mr. Beckles and Mr. Sandford is detained from them in the Secretary's Office, as



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petitioners beleive by the Govr.'s directions, he having publickly declared that there was great probability that it was forged and that there was no such person as petitioner. Thus petitioners' attorneys were disabled from proceeding in obtaining the necessary proofs. Petitioner is well assured that this violent conduct of the Govr. has extreemly terrified petitioner's witnesses and Councill and the inhabitants in generall, and *prays* for H.M. directions therein. *Same endorsement.* 1 p.

513. iii. Anonymous paper of complaints against Governor Lowther. A former representation of the miserable state of Barbados and containing many allegations against Mr. Lowther's administration, stated that it would be difficult to prove them there during the continuance of his Government, for that he would screen himself by the influence of his power and publick money. Those suggestions are made apparent by his commitment of Mr. Lansa's Counsel (*v. No. ii.*) *Refer to No. i.* There are several advices that he has suffered Sta. Lucia to be settled by the French *etc.* There are also advices of his causing a long declaration to be published by beat of drum, and read in the Churches on 18th Oct. last, reflecting upon very many gentlemen, and particularly taxing Samuel Cox, Alexander Walker and Timothy Salter for endeavouring to raise a rebellion in April 1714, by attempting to force the administration out of his hands; whereas they only gave their opinions, as members of H.M. Council, that H.M. orders for the delivery of his Government to Mr. Sharpe, ought to be obey'd; and declares that he will sit Judge of the Grand Sessions himself, by which means he will have the opportunity of gratifying his revenge, so that by the last advices that Island is in the utmost confusion. A gentleman now in London heard Mr. Lowther threaten a gentleman to his face there, who had a suit depending in Chancery, to ruin him, if he did not give his vote as Mr. Lowther desired in an approaching election of Assembly men. *Same endorsement.* 3 $\frac{1}{4}$  pp.
513. iv. Account of money paid to Governor Lowther and allowed by the Committee of public accounts, June, 1715-July, 1719. *Total, 23,290l.* (*v. 3rd Feb.*) *Same endorsement.* 1 p. [*C.O. 28, 15. Nos. 57, 57. i-iv.; and (without enclosures), 29, 14. pp. 36, 37.*]

Jan. 8. 514. Order of King in Council. Referring enclosed to the St. James's. Council of Trade and Plantations for their report. *Signed,*

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Robert Hales. *Endorsed*, Recd. 10th March, 17 $\frac{1}{2}$ . Read 19th May, 1721. 1 p. *Enclosed*,

514. i. Petition of Capt. Charles Gookin, late Deputy Governor of Pennsylvania, to the King. Having served in the Army for 30 years, he resigned his Company upon being made Governor, but his allowance proved so small (there being no settled salary) that he had not sufficient to support the dignity of a Governor, which occasioned his spending during his 9 years stay there a great part of his own private fortune and has besides lost his rank in H.M. service. *Prays* for a grant of some islands lying waste in the River between Pennsylvania and the Jerseys, which he deems capable of improvement by banking out the tides, clearing and planting *etc.* *Copy.* 2 pp. [C.O. 5, 1266. ff. 5, 6, 6v, 8v.]

Jan. 11.  
Admty.  
Office.

515. Mr. Burchett to Mr. Popple. *Encloses following etc.* *Signed*, J. Burchett. *Endorsed*, Recd. 12th Jan. Read 5th April, 1720. *Addressed. Sealed.*  $\frac{3}{4}$  p. *Enclosed*,

515. i. Duplicates of Nos. 425, 414. vii. [C.O. 194, 6. Nos. 81, 81. i., ii.]

Jan. 12.  
Charles Town  
South  
Carolina.

516. Governor Johnson to the Council of Trade and Plantations. *Reply to the Queries from the Board* (v. April 29th, 1719). (i.) *Refers to* papers sent to the Lords Proprietors, covering recent events (v. 24th, 27th Dec. 1719 *etc.* (ii.) 'Tis computed that at present we may have about 1600 fighting men, from 16 to 60 years of age, everybody in the Province within that age being inlisted, and by the common computation of 4 persons in each family, the whole of the whites are 6400, 'tis bleived that since the Indian warr which broke out in April 1715 we are increased about 100 inhabitants, wee haveing lost about 400 in the war and have had the accession of about 500 from England, Ireland and other places; since the Indian warr the Province has been obliged to maintain the following garrisons upon ye outskirts of the Province to awe the Indians and prevent their comeing within us and to inspect ye better what their designs are and to secure our people and goods whilst we trade with them (vizt.) At the Congares, lying about 130 miles North from Charles Towne; a Capt. and 20 men; about 40 miles from thence westward and about 140 miles from Charles Town, the Savana Garrison, a Capt. and 20 men; upon Port Royall Island, to watch the inland water passage from St. Augustine and to prevent our white people and slaves from deserting and going thither, two scout boats of 10 men each, who have small Forts to retreat to and secure themselves; In Johnson's Fort upon James Island about a league from Charles Town which commands the ships comeing up ye Bay to Charles Towne a Capt., Leivent. and 12 men all these men

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are pd. by the publick. The forts are not strong, except Johnsons Fort, which is a regular tryangle with drawbridges, a dry ditch and a platform below of about 12 guns of 12 pound balls, and abot. 10 from 6 to 9 pounders in the uper works. The rest of the forts are sufficient to withstand Indians, who know nothing of beseageing or will fight against walls ; Charles Towne was formerly in my Father's Governmt. was enclosed with a regular fortification but in 1713 by a violent hurricane were all thrown down and ruined, and the Indian warr which broke out two years afterwards involved us in soe deep a debt that we have not been able since to rebuild them, but at present are putting ourselves into such a posture of defence as our present circumstances will allow off. (iii.) *Refers* to following account of the number of Indians, 1715, "which traded for above 10,000*l.* sterling yearly in cloth guns powder bullets and iron ware and made return in buck skins doe skins furs and other peltry, and there was one way or other near 200 English Indian traders imployed as factors by ye merchants of Carolina amongst them ; But in 1715 most of them rose in rebellion and murdered ye said traders and severall of the planters and their famileys, that lay most exposed to them, but before the end of the said year we recovered the Charokees and the northward Indians after severall slaughters and blood sheddings which has lessened their numbers and utterly exterpating some little tribes as the Congerees Santees Seawees Pedces Waxaws and some Corsaboys, so that by warr pestilence and civill warr amongst themselves the Charokees may be computed reduced to about 10,000 souls and the Northern Indians to 2500 souls ; At the same time the fate of our Southern and Western Indians was quite turned to our disadvantage, for as soon as ye Albamas had murdered our Factors, the French emediatey tooke possession of our place and built a fort by the name of Thoulouse at the Albamous therby encroching upon us and takeing the trade of the Chickesaws, Albamas and a great part of the Tallaboosces Abikaws which will make near 6 or 7000 souls. The Spaniards built a fort at Apalatchee and has taken the Apalatchees and the most desperate Creek Indians from us and the Yamasees removed to St. Augustine, from whence they still continue their depradations ; As for the Creeks they are scituated now in the midway between us the French and the Spaniard and deals with those that gives them most, affecting a newtrallity, yet makeing their advantages of the differences happening between the European Nations so we may safely conclude that we have not above half of the trade and number of Indians subject to this Governmt. as we had 1715.

An exact aaccount of ye number and strength of all the Indian Nations that were subject to the Governmt. of South Carolina and solely traded with them in ye begining of 1715, taken out of ye Journalls of Capt. Nairn, John Wright Esq., Price Hughes

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Esq., and compared and corrected by the Journalls and Observations made by John Barnwell while he was employed by the Governmt. amongst them.

Distance from Charles Town.	Indians	No. of Vill.	Men.	Women.	Boys.	Girls.	Totals.
90 miles S.W.	Yamasees	10	113	345	234	223	1215
130 .. ..	Apalatchicolas	2	64	71	12	37	214
140 .. W.	Apalatchees	4	275	243	65	55	638
150 .. W. by N.	Savanos	3	67	116	20	30	233
180 .. W.N.W.	Eucheas	2	130	270			400
250 .. W. & by N.	Ocheeses or Creeks	10	731	837	417	421	2406
410 .. W.	Abikaws	15	502	578	366	327	1773
390 .. W.S.W.	Tallibooses	13	636	710	511	486	2313
430 .. S.W. by W.	Albamas	4	214	276	161	119	770
			3032	3446	1816	1698	9992
Cherokees, vizt.							
450 miles N.W.	The Upper Settlement	19	900	980	100	180	11530
390 .. N.W.	Middle Settlement	30	2500	2000	950	900	
320 .. N.W.	Lower Settlement	11	600	620	400	480	1900
610 .. W.	Chickesaws	6	700		1200		
200 .. N.N.W.	Catapaws	7	570		900		1470
170 .. N.	Saraws	1	140		370		510
100 .. N.E.	Wacomassus	4	210		400		610
200 .. N.E.	Cape Fears	5	76		130		206
70 .. N.	Santees	2	43				125
20 .. N.	Congerees	1	22		60		
80 .. N.E.	Weneaws	1	36		70		106
60 .. N.E.	Seaweas	1					57
Mixed with ye	Itwans	1	80	160		240	
English Settlements	Corsaboys	5	95	200		295	5519
							28041

(iv.) St. Augustine is ye only Town the Spaniards are possesst of in Florida *etc.* It is a garrison containing 300 soldiers under pay and about 100 familys, of inhabitants whose chief support depends on the expence and pay of the soldiers. Out of this number they make a troop of about 40 horse, and in and about the place in 4 or 5 villages they have 3 or 400 armed Indian men most of weh. are Yamasees that lately committed ye barbarous massacres on H.M. subjects of Carolina and still continue (even during ye Peace with Spain by connivance of ye Spaniards) their depredations and murders on the English. Besides these Indians they have in subjection a great number of barbarous Indians along the coast of Florida who ever now and then inhumanly massacre all the castaway or shipwraect English, that often are cast amongst them coming thro' the Gulf of Florida. The Spaniards of St. Augustine drive a trade with the Indians of Florida for ambergrise and wraked and with ye other Indians for peltry. The place being only a garrison there is but small trade there, what they formerly sent to the Havana was hides tallow and the rows of fish especially mullets salted,

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The country produces pitch and tarr, which by ye help of the negroes plundered by the Indians from Carolina and bought by ye Spaniards they begin to make a trade on, to our great detriment. In the open feilds there is orringe trees and in St. Augustine lemmon trees citron trees limetrees besides peaches figgs pomgranates and some olive trees, they are not suffered to propagate the olive trees. The country is capable of a great many improvements but ye place being as I said a garrison and ye soldiers very raw lazy fellows being bandittis banished from New Spain for crimes comitted there no great matter can be expected from them ; The town is unfortified containing about 200 houses and has a convent of Franciscan Fryers, with two more churches some built with timber some wth. stone. It is gaurded by a small fort wth. four bastions built with stone and regularly fortified the curtains has no room for cannon but there are 50 peices mounted on the bastions the ditch is dry, but they can let ye sea in at highwater the walls are about 28 or 30 foot high for which reason ye artillery can do no execution when people are intrenched within 50 or 60 paces of the Fort for they can't bring their guns to bear, ye outer square of ye Fort from ye point of ye bastion to bastion does not exceed 500 feet and the inward oppen place not built upon to be less then 100 feet square for which reason a bomb would make great execution when besides Indians there can be little less then 1000 souls confined in a siege in yt compass, there magazine and storehouse are built along ye curtains and are bomb proof, the stone of ye Castle lookes like freestone but I judge much better for fortification it will not splenter but give way to cannon ball as tho you would stiek a knife into a cheese, the ground round it is proper for intrenchments or makeing approches, it being light without stones. The reason the Spaniards give for maintaining this place are yt they keep it as a barrior to prevent the English from encroaching any farther into Florida and to keep possession of that country for his Catholick Majesty, 2dly they say that the Roman Church is at one half of the expence in order to protect their missionarys that are sent to convert the Indians, and lastly that they might releive from thence such Spaniards as shall be either cast away or in distress comeing thro' the Gulf ; there is but a very shallow barr going into St. Augustine and most and end the sea breaks quite across, it there being scarce 5 feet water at low water and the tyde rises not above 6 feet more except on a spring with an easterly winde, when there may be about 12 feet so they are forced to load and unload any vessell of burthen without the barr in ye oppen sea. There are good pylotes in Charles Towne yt. can carry in sloopes ; At St. John's about 12 leagues to the N. of St. Augustine is a good harbour where is 17 feet water but ye channell is narrow. The Spaniards at St. Augustine haveing encouraged the Indians under their Governmt. to come and murder and plunder

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H.M. subjects in Carolina and themselves harbouring rebells, fellows, debtors servants and negro slaves, putting this Governmt. under a necessity of keeping a force and some thousand pounds yearly charge to gaurd ye frontiers, even in time of peace there is an absolute necessity for us to expell them out of St. Augustine we soon should reap ye benifit of it by enlargeing ye trade of ye Collony by so many hands now idell and maintained by the rest, that could follow their work and a number more would flock into us who are deter'd by ye dread this sculking warr brings with it and even our own Indians would be less insolent and more obedient to us who we are forced to court least they should revolt. Four or five hundred men to joyne wt. forces Carolina could make, with a bomb ketch some battering cannon and other warlike stores in proportion would easily effect ye conquest of this place and would be undertaken with alacrity by the people of this Province. (v.) 'Tis without dispute that the French are very strong there [*on the Mississippi*], by all accounts they are already not less than five or six thousand fighting men, and more are dayly sent over from France with a designe to make a very considerable settlement there, they have likewise a fort at the Holbamas, a Nation of Indians that we used to trade with which lies within ye limits of the Charter of this Governt., commanded by a Capt. Leivt. and Ensigne with 40 soldiers in the King of Frances pay where they dayly eneroch upon us and draw away our Indians, these great preparacons of settling the Missisipi cannot but very much alarm all ye Continent of America and especialy Carolina that lies soe near them for even in time of peace they underhand incence ye Indians against us and incourage them to make inroads upon us to the great dammage and hasard of our outmost settlements but if there should ever be a warr between the Crowns of France and England this Province would fall an easy prey to them and very probably Virginia New York and other Plantations to which this Collony is a frontier would feel the effects of the French growing so powerfull in America. The French have seized ye fort of Panicola and are now in possession thereof, they are not a little glad of haveing secured so good a port or haven near their intended settlement; An officer that is now here sent to me with letters from Monsr. Bienville Governr. of Mowille, about some French deserters, informs me that they are about makeing another fort among our Indians above 100 miles nearer to us and thus will keep eneroaching upon us from time to time if not prevented the manner of which yor. Lordps. can best judge it being out of our power to put any stop thereto.

(vi.) The bulk of the trade of this Province is caried on from Great Britain from whence come here generally one year with the other about 60 ships with sundry British and other manufactories which return thither directly loaden from hence with some deare skins, rice, pitch, and tar, dying wood etc. as the

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bounty money granted by Act of Parliament for the importing navell stores has been of great incouragemt. to the Plantations in generall to export navell stores, so this Plantacon in pertieuler has surpassed all America besides, in suplying Great Britain accordingly with great quantities of pitch and tarr, there have been exported in one year by computation about 50,000 barrells of both, which great exports of navell stores, not only have occasioned ye greater consumption of British manufactories but incouraged ye merchants abroad to import into this Province great numbers of negroe slaves from Affrica and brought a great concourse of ships to this Port to load our bulky commodities. Wee reckon we likewise load for sundry of the American Plantacons about 80 vessells more with rice, beaf, pork, leather boards cedar and other lumbar, pitch and tarr, whence we import bread flower bear cyder fish and other provisions, from the Northern Plantacons and negro slaves, rum, sugar mollossus cotten etc, from the Southern Plantacons. To this bounty money wee chiefly attribute the cause of our trades increasing very considerably, within these ten years our planters haveing by means thereof been so enriched as to purchase great numbers of negroes slaves the labour of which has incredibly encreased the produce and manufacture of this Province weh. being very bulky and cumbersome requires a great number of ships to cary it off. Our trade has within this 3 or 4 years met with some check, by reason of our country bills of creadit which being stamped and declared curreant in all payments and no fund for the paymt. of them came almost to be of no value, to the manifest injury of those who were obliged to receive them in satisfaction of debts contracted a long while before they were made. Severall considerable merchants in England haveing thereby received a great prejudice have intirely dropt this trade to ye deminishing thereof; Another cause why our trade at present must decay is the little demand of our navell stores; vizt. pitch tarr and turpentine in Great Britain, and if the bounty money should be taken of or when ye Act is expired not renewed, one third of the shipping that comes here will be more then sufficient to export our produce and severall who have great numbers of negroes will hardly finde worke to imploy them; we makeing already yearly as much rice as we can finde well a vent for amounting to about 14,000 barrells each containing about 350 lb. neat. Our tarr lies under a disreputacon of not being so good as East Country tarr but am satisfied it is mostly owing to ye intrest the East Country merchants have with ye rope makers who being obliged to buy their hemp of them will not let them have it without they will give them their price for their tarr also and oblige them to give it a good name and decry ours. Hemp grows here very well but is not as yet propogated for want of people who understands ye husbandry of it. (vii) The number of vessells

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belonging to this port we reckon about 20 and they generally but small as most proper to our American trade amongst ourselves some built here some in ye Northern Plantations. Wee are come to no great matter of building here for want of persons who undertake it tho no country in the world is more plentifully supplied with timber for that purpose and well stored with convenient rivers; as for seafareing men few or none reside here they always belonging to the severall ships that come here. We may have in February and ye begining of Mareh, ye time yt. ye greatest number of ships are here, nere 500 seafareing men but in ye summer we have but few vessells in our port, our cheif manufactories or our staple are rice pitch and tarr, wherewith our British ships load home; wth. some skins wee formerly made considerable quantities of raw silk weh. was esteemed in England better then that weh. came from ye Streights, but the price of negroes dayly enhancing and work in generall growing deare we were foreed to quit it to go upon ye other commodities, which we found to yeild ye planters more proffit if encouragement were given, very large quantities of very good might be made here for the future. We formerly made likewise good indigo, but there has been none of this growth exported these severall years, being wholly laid aside. Severall usefull manufaeteris might be gon upon in this Province to good advantage but our planters applying themselves almost wholly to the makeing rice pitch and tarr they do not think thereof.

My Lords, the foregoing queries have been in my hands 3 or 4 months, but ye continuall alarms we have had and distractions amongst our people which has at last ended in throwing of all obedience to Protary. Governt. has prevented my makeing ye necessary enquiries about them, so soon as I otherwise should have done *etc.* I send an account of a small expedicon I sent out against the Spanish Indians liveing under the protection of St. Augustine who had just before surprised and killed 3 or 4 of our people and carried away as many prisoners, as also ye examinacon off a Spanish prissoner taken in that expedition. *Signed,* Robt. Johnson. *Endorsed,* Reed. 29th April. Read 3rd May, 1720. 15½ pp. *Enclosed,*

516. i. John Barnwell to Governor Johnson. Account of the late Expedition against the Yamasees and Spaniards of St. Augustine performed by 50 Indians, Melvin a white man and Musgrove and Griffin half breed or Mustees under ye leading of Oweeka a Creek Indian their generall, Wettly Mico his second a Palachueola Indian. On 28th Sept. they sett out from ye Water Passage Fort in seven canoes well fitted *etc.* according to H.E. orders, and arrived at St. Juans 10th Oct. They travelled by land to St. Augustine weh. is abt. 50 miles distant, but they took a long cerquitt thro'



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ye woods to avoid discovery, and haveing travelled night and day they gott to ye Indian towns 4 hours before day, 12th instant, and haveing sent out their spys or scouts one of weh. haveing a wife and family in ye Pocotallago town, fearfull least they shu'd miscarry in ye assault went to his house and took out his famaly who likewise haveing friends being Creeks liveing amg. ye Yamasees gave them notice to escape, weh. could not be so seeretly done but most of ye Yamasees took ye alarm. Now ye Pilot was faithfully promissed by ye Generall and ye whole company that none shud goe to his house but himself and that if any of his family was taken he shu'd have them again, but his docing as he did had liked to prove fatall to them all for ye Spaniards att St. Augustine had imediate notice being but 3 mile of ye Pocotallagas. As soon as ye scouts returned, they divided their body into three parts and fell on three towns att once but did not take above 24 prisners and killed 5 or 6 Indians by reason of ye sd. discovery but they burnt all the provision and houses and took a good deal of plunder. Tuloomata one of ye towns was within a mile of ye Castle of St. Augustine being Youhaw Indians and burnt a fine Church there, ye fryer escapeing but some of his domesticks and his plate and ye plunder of his house (weh. escaped burning) fell into their hands, ye fryer's name is Fra. Pedro de la Lastras. The Indians appointed to randesvous att ye Palatchee town being informed that those Indians would revolt and joyn them, but they found it deserted upon weh. they sett fire to their corn houses and round house this town is four mile from St. Augustine, by this time the sun being two hours high they spyed 50 or 60 Spaniards in full march after them. The Indians haveing taken a Spanish prisner before; they sent him wth. a flagg of truce to meett ye Spaniards and lett them know they had noe quarrell wth. them but that they came to kill ye Yamasees that had lately taken Mrs. Burrows and murdered their friends ye English and that they wanted to parley with ye Spaniards; It seems by good look for us some of our Indians had striped ye Spaniard that carried ye flag of truce stark naked, soe when he came up in yt. condition to ye Spanish body, they thought he was sent in contempt of them and would not harken to him but imediatly fired a volly att ye Indians tho' att 400 yards distance. The Indians finding that they must loose their slaves and plunder if they fled divided into two bodys and being nimble and

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light armed fell on ye two flanks of ye Spaniards who kept in a close body and heavily armed made but a sorry defence and had 14 killed and about 10 taken prisners in the retreat—seven of whom they stripped and sent back again and three they brought away with them, and on Sunday ye 25th instant two of ye canos wth. abt. 12 slaves and 2 Spaniards were brought to my house, one of them seem to be mestizo and in trueth ye other is not white but being a liver in St. Augustine for 16 years and has a wife and 8 children there I told ye Indians to carry him to yor. Honr. Next day King Gilbert wth. ye Coosaboys and Tuskeroros came in *etc.* The prisners tells me Capt. Burrows coming to St. Augustine wth. yr. Honrs. letters before ye Huspa King had brought in his wife they took him for a spy, but when his wife was brought in they released him. He had been very ill, but as soon as he was in a condition to putt to sea he was to come away. They tell me that Mrs. and Mr. Cord and Burrows's child and his man and ye Indian woman were all murdered not being able to travell. That one Mons. La Hay a French privateer had brought in three prizes into St. Augustine wch. were loaden wth. sugar cotton and molosses that ye 3 English commanders and 21 saylors were prisners there—that he designs to cruise out of St. Augustine he had 80 men he came in a sloop but was fitting one of ye prizes being a ship of 20 gunns. That La Hay bragged he would kill all ye Indians and joyned ye Spaniards wth. 10 of his best men *etc.* About 16 Creeks yt. lived amo. ye Yamasees are come away and they sent word yt. they will not leave one alive that does not come away. I congratulate wth. yor. Honr. this dawning of quietness to our poor Southern parts. *Signed, Jno. Barnwell. 3 pp.*

516. ii. Examination of Antonio Eleanore, Spanish prisoner, before the Governor and Councel of S. Carolina, 10th Nov. 1719. Hearsay evidence and description of St. Augustine. *Cf. preceding. Endorsed as covering letter. 2½ pp. [C.O. 5, 1265. Nos. 144, 144. i. ii.]*

Jan. 12. **517.** Lt. Governor Keith to the Council of Trade and Philadelphia. Plantations. In obedience to your directions of 7th Aug. last, I shall take the best measures I can to determine the bounds of this Colony; But finding it impossible immediately to procure such a map as is desired, and it being nevertheless proper that you should be acquainted with what chiefly affects not only this Colony, but others of H.M. adjacent Dominions, I am willing to lay hold of the first opportunity that offers to lay before you that the Royal Grant of this Province gives three degrees of

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latitude from the 40th northward, and five degrees of longitude from the River Delaware westward, which according to the best and latest draughts of Canada that we have seen, will certainly include a great part of the Lake Ontario or Frontenac. Of how much weight this grant (which was dated the 4th of March, 1680) may prove in any present or future Treaty with the French, is not for me to determine,; but from what can be gathered here, I beg leave to observe, that the French seem to have no right to any lands southward of the River St. Lawrence, nor to the eastward of the Lakes Ontario and Erie: and that their settlement of Canada seems to be limited by the Southern and Eastern banks of the said river and lakes; For according to the best of my information the French have no settlement, neither have they any Indians depending upon them to the Southward or Eastward of these bounds; but on the contrary as fast as they can debauch any of the five Nations from us, they generally endeavour to transport, and oblige them to settle on the North side of St. Lawrence's River. I shall use all proper measures to procure as good a map of this Colony as can well be had; but our settlements not being as yet extended above 80 miles or thereabouts from this place, the courses and branches of the remoter rivers are not known with such certainty as will bear an exact description. *Signed*, W. Keith. *Endorsed*, Recd. 3rd May, 1720. Read 7th Sept., 1721. 2 pp. [C.O. 5, 1266. ff. 13, 13v., 14v.]

Jan. 13.  
St. James's.

**518.** Mr. Secretary Craggs to the Council of Trade and Plantations. Refers following for their report. *Signed*, J. Craggs. *Endorsed*, Recd. 29th Jan. Read 5th Feb., 17 $\frac{1}{2}$ .  $\frac{1}{4}$  p. *Overleaf*,

**518. i.** Petition of Francis Sitwell and Francis Chamberlayne, of London merchants. Petitioners' ship *Mercury*, Mackett master, bound for Guinea and the West Indies, was taken by a pirate in the River Gamboa. Seven of the negroes on board were put on board the *Charlotte*, Capt. Hoalson, bound for Virginia or Barbados. Upon their arrival at Barbados, the governor ordered them to be sold, and the moneys for which they were sold to be put into the hands of Henry Lascells, Treasurer, until his pleasure was further known, etc. *Pray that* the money may be paid to their correspondent at Barbados etc. *Signed*, Fran. Sitwell, Fran. Chamberlayne. 1 p. [C.O. 28, 15. Nos. 67, 67. i.; and 29, 14. pp. 53-55].

Jan.  $\frac{15}{26}$ .  
Paris.

**519.** Mr. Pulteney to Mr. Popple. *Acknowledges* letter of 7th inst., and the Board's request about the weavers. The copy sent of Tallard's Memorial is not that which I desired, this being

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on Oct. 1700, and that I wanted of Jan. 1700 *etc.* *Desires* to have it by the next opportunity. *Signed*, D. Pulteney. *Endorsed*, Reed., Read 27th Jan. 1700. 1 p. [C.O. 28, 15. No. 62.]

Jan. 15.  
Whitehall.

**520.** Mr. Popple to Mr. Nivine. The Council of Trade and Plantations have appointed next Tuesday come sevensnight to hear what you may have to offer in relation to an Act of Antegoa to indemnify *Anthony Brown and John Elliot etc.* Similar letter to Mr. Marsh. [C.O. 153, 13. p. 451.]

Jan. 15.  
St. James's.

**521.** H.M. Warrant appointing Francis Harrison to the Council of New York in the room of Killian van Renslaer. *Countersigned*, J. Craggs. [C.O. 324, 33. p. 259.]

Jan. 15.  
St. James's.

**522.** H.M. Warrant to Governor Sir N. Laws, reciting the memorial of Lord Archibald Hamilton and directing that the debts due to him for money advanced by him and the Council of Jamaica and for salary owing, be paid with lawful interest out of the first and readiest of H.M. Revenues, *etc.* *Countersigned*, J. Craggs. [C.O. 324, 33. pp. 260-262.]

Jan. 15.  
New  
Providence.

**523.** Governor and Council of the Bahama Islands to the Council of Trade and Plantations. *Enclose following. Continue* :—Our present state is such as requires consideration, or we can attribute our continuance in safety to no human protection, for the want of power to call an Assembly *etc.* has proved such a discouragement that the few inhabitants are uneasy at having no laws provided for the immediate service of the Country whereby some steps might be made to invite others to settle amongst us. The credit of the King's garrison is quite extinct and unless there be some remedy to support it the necessitys daily encreasing we know not how the Governour can longer subsist them whilst provisions are brought here at a dear rate, and it being everywhere known that the Governour's bills are protested he cannot either purchase provisions or other necessarys. The lucky French having retaken Pensicola and made an inroad into Mexico and comerce amongst the Indians near the mines, this has drawn the force of the Spaniard that way, whereby we have been diverted from the storm we expected for the Spaniards are now mustering all their forces to dislodge the French and defend themselves and we hope will not have leave given them to annoy us. By the enclosed, your Lordps. may perceive that we have made a great adventure in detaining so many Spanish prisoners, having few more to guard them, but as we have had the happy effect to redeem our English from the tyranny of the Spaniards in the Havana, we humbly rely that your Lordships will interceed for us to H.M. that the moneys we have engaged ourselves for to the Co-

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partners will be paid to their order ; for when we entered into this engagement we had only the publick good in view whilst we wanted power to raise the least fund for contingencies, had we more responsible inhabitants, it would very much discourage future zealous endeavours for the benefit of the settlemt., if we should not receive an acquittal of this engagement but we depend we need not despair for being too generous or have reason to repent that six of the Council and the Governour who has had abundantly more fatigue then profit ever since the Government began and yet obliged ourselves joyntly and severally for a whole Colony, it would be very hard should we pay it when we came into this agreement expecting a confirmation of the Council that we might chuse an Assembly and depended ere this if it was not discharged to have made the country lyable and other necessary lawes and to have had a larger garrison and a supply to finish the fortifications *etc.*, which we rely upon your Lordships interest to interceed for wth. H.M. that we may be effectually supported as soon as possible to encourage people of consequence to settle here *etc.* and then we are in no doubt of these Islands soon becoming a flourishing Colony *etc.*  
*Signed*, Woodes Rogers, James Gohier, W. Fairfax, Tho. Walker, Wingate Gale, Edward Holmes, Nathell. Taylor, J. Ollyffe.  
*Endorsed*, Recd. 13th April. Read 7th July, 1720.  $2\frac{3}{4}$  pp.  
*Enclosed*,

- i. Minutes of Council of the Bahama Islands, 31st March, 1719—15th Jan., 1720. *Same endorsement.* 23 pp.  
 [C.O. 23, 1. Nos. 22, 22. i.]

[Jan. 20.] **524.** Money paid to Governor Lowther since his last being Governor. *Duplicate of No. 513. iv.* Add as much more private presents. Sundry sums paid the Island's Agents wholly imployed by R. L. on his private interest and spleen. (v. 3rd Feb.) *Total*, £4,411. *Endorsed*, Recd. (from Mr. Thos. Tryon), Read 20th Jan., 17 $\frac{1}{2}$ .  $\frac{3}{4}$  p. [C.O. 28, 15. No. 60.]

Jan. 21. **525.** Mr. Secretary Craggs to the Council of Trade and Whitehall. Plantations. Having received from a person on whose intelligence I very much rely an account of the present state of the Island of Providence, *encloses following for their consideration and report, as also* "from the same hand an account of great discontents in South Carolina, and of the steps made in that country for changing the Government there" *etc.* *Signed*, J. Craggs. *Endorsed*, Recd. 23rd, Read 26th Jan. 17 $\frac{1}{2}$ . 1 p.  
*Enclosed*,

525. i. Account of the present state of Providence. Nassau, 1719. The settlement now consists of those who have lately been a pyrating mixt with strolers and old inhabitants who are but few of them better and all in a poor condition making little use of industry to

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cultivate the land *etc.* This discourages all manner of trade, their money which was chiefly got by pyrating or by dealing with them is spent and the place become so very poor, that tho' they want almost everything, vessels begin to carry back their cargoes, so that all manner of trade hither must shortly come to nothing. Since the Governments being resettled in July 1718, the utmost application has been made to keep upon our guard and to preserve the place by fortifying it, the doing of which has prevented the inhabitants from cutting wood, racking salt, and taking the usual methods of getting money by wrecks *etc.* wh. has contributed very much toward their improvements and having few slaves and themselves generally very idle it is impossible these people should ever make this place considerable. At first of the Governours arrival, July—Sept. 1718, most of the Colony(s) round us gave us great encouragement that people of substance would leave them and come and settle here, but the frequent alarms of the Spaniards arming against us *etc.*, and the pyrats robbing all round us and threatening to re-enter the place, with H.M. ships not coming near us, kept all our neighbours from venturing to settle here, and tho' we have with much charge to ye co-partners got a good fort and above 50 guns mounted, so that we may depend, if we can muster 250 men on withstanding any enemy that may atack us, yet the poverty of the place and want of trade makes the inhabitants instead of encreasing as we expected, leave in almost every vessel that returns hence to the Colonys arround us, and from 400 men we are already decreased to less then two, and more yet talks of leaving then designs to stay so that all we expected to come hither are discouraged and our garrison being weak are not sufficient to hold this Settlement, and while the war with Spain holds we cannot expect any new comers, unless a considerable guarison be established here for the privateers that are always going and coming are no real strength to the place being so near our enemy they will never want notice when we are weakest to surprize this place, they having always men enough ready to overpower us. These discouragements added to ye present reputation of our Colonie which is at the lowest ebb, ye Governour not being able to subsist the guarison and his bills for subsistance are protested, this confirms the ill opinion all America has of Proprietary Government. which is still look'd on though the garrison belong to the King the Government is accounted to be shared

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with co-partners and all the lands and royalties wholly at their disposall which is in these parts liked much worse, by all men of sence and substance, than if it was again as formerly in the hands of Proprietors. This is a very great discouragement to the increase of inhabitants, but no encouragement will be sufficient during the war till a larger garrison is settled here. Two hundred men may be enough but if there was 250 or 300 men settled here it would be a vast advantage to all the trade of this part of America for the pyrates will when ever it is a peace shelter themselves among these islands, and on the coast of Cuba in the Gulph and Windward passage, and if such a garrison is settled here and the Governour have an order so to do he may at any time fit out sloops or a small cruiser that may lye here to be manned out of the garrison which would do more service then all the men of war in these parts to prevent piracy. A strong garrison here will also be of vast service should we ever again have a war with France, the French growing very great in the Bay of Mexico and have taken Pensacola near the River Misicipi where the Spaniards but few months past put 500 men in garrison which plainly shews their design to keep a communication with Canada and trade with the Indians on the back of all our American settlements which if not curbed they will soon be capable to curb us and also the mines of Mexico unless we can obstruct their trade to and from the Bay of Mexico. Likewise at Hispaniola the French grow also very great, and a strong settlement here will be a very great obstruction to their trade, *etc.* Whilst these Islands are leased by the Co-partners in England the whole trade hither will be by them engrossed for their shipping, this bringing effects directly from England, they will afford them at lower rates then the merchants can sell theirs which comes from other Plantations, consequently this will be a discouragement to other merchants in America who would otherwise come and settle or trade among us. *Qy.* if the Co-partners continue their rights here whether the Crown will be obliged to have any regard towards a further protection of this settlement *etc.* The alterations made by the Co-partners in the original Charter will occasion disputes, particularly the demands of the quit-rents to be paid in sterling money, and the obligation the people shall fall two third parts of their wood, within a limited time, appears a hardship. The accustomed provision for a Chief Justice a Minister and other Officers heretofore made by the Lords

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Proprietors out of the royalties but now not intended will be a very great burthen to the inhabitants *etc.* If the Crown, this Sessions of Parliamt., gives the Proprietors an allowance for their lands and royalties, and reimburse the Co-partners their expence, so that the whole may be at H.M. disposal as in other Colonies where H.M. has a garrison, and could there but be some advantages in trade, as usual to new Colonies allowed this, or could it be made a free port for 3 or 4 years people would soon flock here and make it very wealthy and strong, or the bear encouragement of importing the commodities of Hispaniola at a moderate duty for 3 or 4 years till sugar and indigo works can be brought to perfection here would also encourage people's coming hither, but all this depends on its being free from Co-partners whose agents here claim all the benefit of the lands and royalties and may ingross what they please or discourage who they please *etc.* If they pretend to hold the country on the foot they now have it it is almost impossible they can ever repay themselves, and the place will be deserted save for a few beggars and H.M. garrison *etc.* *Same endorsement. Copy.* 5½ pp.

525. ii. Extract of a letter from [?Gale. v. 29th Jan.] Charles Town, S. Carolina, to Mr. Secretary Craggs. 26th Oct. 1719. I came hither lately from Providence which is realy very pleasant and healthfull and in my opinion may flourish in time, but at present it is in so decaying a way that the few people in it are ill provided with the necessaries of life. I send you an account of it *etc.* (v. *preceding*). I believe that unless the garrison is reinforced to 2 or 300 men before they hear a peace is made with Spain, the inhabitants will sieze the fort and turn to their old trade of pyrating, for 10 in 12 have been pyrates and they are all in very mean condition. There came from Havanna to Providence about a fortnight ago a flag of truce, with some exchanged prisoners, who report that in June last there sail'd from the Havanna 4 men of war and 10 sloops, that had 1400 men on board, with which they intended to have taken South Carolina, but hearing that the French had taken Pensicola, that turned that expedition for the retaking of Pensicola, which they effected, but the French have taken it since, so that the apprehensions of the people here are over for the present. The prisoners that arrived at Providence reported for certain, that in the later end of



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Sept. last there arrived at Havanna an express to the Governor for ye Viceroy of Mexico to acquaint him, that he had orders from the King of Spain to raise 20,000 men in order to attempt the taking those English Plantations that formerly belonged to the Kings of Spain, and to direct the Governor of ye Havanna to raise what men he could in Cuba for that end. *Same endorsement. Copy. 1 p.*

525. iii. Extract of letter from [*?Gale*], Charles Town in South Carolina, 26th Oct., 1719 [*? to Mr. Secretary Craggs*]. This harbour of Charles Town is by nature capable of being made very strong, and they have outposts and fortifications here, that if these guns were mounted would make it very difficult for the Spaniards with 5000 men to take the place, but the Government here is so indolent that notwithstanding the apprehensions they have been under, they are in a most miserable condition to defend themselves, insomuch that the people are very uneasy at the indolence, nay they call it the negligence of the Government. *Endorsed, Recd. 23rd, Read 26th Jan. 17 $\frac{1}{2}$ .  $\frac{1}{4}$  p.*

525. iv. Extract of letter from [*?Gale*] Charles Town in South Carolina, 14th Nov., 1719 [*? to Mr. Secretary Craggs*]. Though this is not the King's Government yet from the acquaintance I know you have with Lord Carteret who is chief of the Proprietors, I think it my duty to lay before you the present state of this Colony. The inhabitants of this country are generally planters, merchants and shopkeepers and most of them in very good circumstances, and the Proprietors in England by some late directions they have sent here, for repealing a law that had passed here, have made all or most of the landed men very uneasy, insomuch that I apprehend from the general uneasiness among them, that they will endeavour to make themselves independent of the Proprietors and to get themselves under the King's Governmt. as the other Colonies in America are, and really I do not know but they will attempt this very soon, for on the 26th inst. here is to be the election for Assembly men, and on Monday next there is to be a private meeting of the Country Gentlemen, from which great speculations are made, and I must tell you, Sir, if the much greater part of the most substantial people had their choice, they would not choose King George's Government. *Same endorsement.  $\frac{3}{4}$  p.*

525. v. Extract of a letter dated from [*? Gale*] South Carolina, 18th Nov. 1719. [*?to Mr. Secretary Craggs*]. What 1

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hinted in mine of the 14th inst. is come to pass, and last night the Chief of the Country subscribed to repair the fortifications of this place, and to an Association to the effect following. That the Proprietors having pretended to repeal Laws contrary to the Charter and offered other hardships to the Inhabitants of this Country they do resolve to choose an Assembly pursuant to the writs issued out and to support their Representatives with their lives and fortunes, and to stand by such resolutions as they shall make at the next Assemblys. The first that signed it was the Speaker of the last Assembly, and almost every body are uneasy untill their hands are to this Association, so uneasy are the people here with the Proprietors, but I forgot to tell you that in this Association they reserve their allegiance to King George. The Governor at present seems dissatisfied with the Association, but the consequence of it will at least terminate as they think in bringing them under the King's Government, which is I really believe their only aim. I shall conclude in assuring you that if the Government and Council was never so willing to oppose this scheme, it is not in their power, so general are the People against the administration of the Proprietors. Upon the meeting of the Assembly, there will be a Representation made to the King and sent over by a Deputation to England, it will as I am told enumerate the difficulties put upon the People by the Proprietors and pray the King to take them under his care. There are in this Colony about 1000 Housekeepers, 2000 white men and about 7000 slaves. *Same endorsement. Copy. 1 p.* [C.O. 23, 1. Nos. 20, 21.i, ii. (covering letter and enclosures, i., ii. only); and (enclosures iii.-v. only) 5, 1265. Nos. 135-137.]

Jan. 21. **526.** Council of Trade and Plantations to the Lords Commissioners of the Treasury. *Enclose* office accounts from Christmas 1718 to Christmas 1719. There was at Christmas last six months salary due to the Secretary and other officers etc. *Accounts annexed.* [C.O. 389, 37. pp. 166-169.]

[Jan. 22.] **527.** Agents of Barbados to the Council of Trade and Plantations. They are not fully instructed to answer the complaints against Governor Lowther, but ask for copies thereof. By a short inquiry of some persons lately arriv'd from Barbados they will be enabled to give satisfaction therein etc. *Signed, George Bampfild, Alexr. Stevensone. Endorsed, Reed.* Read 22nd Jan., 17 $\frac{1}{2}$ . 1 p. [C.O. 28, 15. No. 61.]

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Jan. 23.

Feb. 3rd.

Paris.

**528.** Mr. Pulteney to Mr. Popple. *Reply to 14 Jan.* Mr. Hudson and Mr. Saunders know what papers I have on Sta. Lucia, so I take for granted these will not be copy'd again. I doubt whether there be any papers in the office that answer my questions (*v.* 15th Jan.) fully; but I fancy'd you might be able to get some informations from some persons who have lived at Barbados and the Leeward Islands, *etc.* *Signed*, D. Pulteney. *Endorsed*, Reed. Read 27th Jan. 1720. 1½ pp. [*C.O.* 28, 15. No. 63.]

Jan. 28.

Whitchall.

**529.** [?Mr. Secretary Craggs] to the Governor of the Leeward Islands. H.M. not being yet come to a resolution in what manner to dispose of his lands in St. Christophers, Mr. Douglas is to remain in the quiet enjoyment of the lands granted to him, under the like conditions as he has hitherto held them, till H.M. shall resolve how to dispose of the late French settlement; And in case you have already given any grants to dispossess him thereof, H.M. further pleasure is, that you do recall the same. *No signature.* 1 p. *Enclosed*,

529. i. Petition of James George Douglass to the Lords Justices. Petitioner's father while Captain General of the Leeward Islands granted him in Dec. 1712 certain lands formerly belonging to the French in Basseterre, with an equitable title to her then Majesty's bounty for the same in case the whole Island should remain unto H.M. upon the Treaty of Peace. Lt.-General Mathew renewed the said grant for 2½ years *etc.* Petitioner's poor parents have erected store-houses *etc.* thereupon. Petitioner's brother, John, being threatened to be dispossessed of his plantation by Governor Walter Hamilton, obtained H.M. order for quiet enjoyment thereof till H.M. should think fitt how to dispose of that part of St. Christophers. Petitioner, being similarly threatened, prays for a similar order. 1¼ pp. [*C.O.* 152, 39. Nos. 132, 132. i.]

Jan. 28.

Boston.

**530.** Capt. Southack to Mr. Popple. *Encloses* following and asks to be appointed one of the Commissioners to settle the boundaries of Nova Scotia *etc.* *Signed*, Cyprian Southack. *Endorsed*, Reed. 14th April, 1720, Read 5th July, 1722, *Annexed*,

530. i. Capt. Southack to M. St. Ovide de Brouillan, Governor of Cape Breton, relating to the boundaries of Nova Scotia. Sept. 11th, 1718.

530. ii. Governor Suberease's undertaking to procure passes for Major Richard Mullins and Capt. Charles Brown *etc.* 23rd Oct. (N.S.) 1710.

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530. iii. Memorandum of fish caught by the French in Nova Scotia, 1715-1718.
530. iv. Memorandum of the boundaries of Nova Scotia (v. C.S.P., 1710).
530. v. Queries by the Board of Trade relating to Cape Breton. *The whole*, 4½ pp.
530. vi. Capt. Southack to the Council of Trade and Plantations. Prays for their recommendation of him to H.M. for a pension and a patent for his works if ingraven and printed, he having been cruising in the service of the Crown from 1690 to 1712 from Cape Canso to Sandy Point and drawn maps and charts of the coast harbours and rivers, *etc.* *Describes his services.* Signed, Cyprian Southack. *Endorsed*, Reed. 14th April, 1720. Read 5th July, 1722. 4 pp.
530. vii. Order in Council, 1st Feb. 1694, for a reward to Capt. Southack for his services in New England. *Same endorsement.* Copy. 1 p.
530. viii. Certificate from Capt. George Martin, H.M.S. *Dragon*, Annapolis Royal, 19th Oct., 1710, as to Capt. Southack's services in N.E. *Same endorsement.* Copy. 1 p.
530. ix. Certificate from Governor Dudley, Boston, 27th March, 1716, as to Capt. Southack's services in the *Province* galley. *Same endorsement.* Copy. 1 p. [C.O. 5, 868. ff. 213-217v, 218v-221v.; and (*Memorandum of covering letter*) f. 246.]

Jan. 29.  
South  
Carolina.

**531.** The Council and Assembly of South Carolina to the Council of Trade and Plantations. *Refer to* letter of 24th Dec. 1719. *Enclose* answers to the Board's queries (*cf.* Jan.) "wherein your Lordships' great and tender regard to H.M. subjects of this Settlement are made manifest. We are deeply concerned that the answering queries of such and so great importance have been so long neglected, tho' it is no surprize to us when we consider that it fell into the hands of the Proprietors Governour, who no doubt thought your Lordships had in [*mind*] to gett this settlement under H.M. imediate care and protection *etc.*, so for fear of disoblising his Masters and loosing the Government, they have been locked up by him ever since" *etc.* We left no stone unturn'd in endeavours to pro[*ecure a*] sight of them, and have at last tho' without the knowledge of Collo. Johnson o[*btained*] it *etc.* We have returned a just and true answer to every question; the affairs relating to the Indians, being reported by a gent. who has been employed by the Publick and has lived many years amongst them. The account of the garrison at St. Augustine being taken from credible persons that ha[*ve been*] there *etc.* We hope and doubt not but your Lordships will be pleased to put a right construction upon our

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actions" *etc.* *Assurances* of loyalty and obedience to H.M. and their Lordships' commands *etc.* *Signed*, By Order of the Commons of Assembly, T. Hepworth, Speaker, Hovenden Walker, Alexander Parris, B. Schencklingh, George Chicken, Samuel Proleau. Ja. Moore, Richard Mein, Riehd. Beresford, Jos. Morton, Tho. Waring, Thos. Smith, Sam Eveleigh. *Endorsed*, "Letter from persons who have taken upon them the Government of South Carolina," Reed. 28th March, Read 7th July, 1720. 1 $\frac{3}{4}$  pp. *Torn. Enclosed*,

531. i. Answers to Queries by the Board of Trade. *Cf.* Jan. 12. (i) Carolina is situated in a most pleasant and agreeable climate and productive of whatsoever is necessary for the life of man, yet it is but thinly inhabited in proportion to the rest of H.M. Colonys on the mainland of America, by reason it is the frontier of the British Empire on the said Main to the South and West, and exposed to the incursions of the French and Spaniards and barbarous Indian savages, but more especially because of the ill polity of its Government under Proprietors who by reason of their supine negligence and their disorderly and confused administration of the publick affairs, and their inability to protect the inhabitants from the insults of their enemies have put the same in the utmost confusion, soe that H.M. subjects are neither safe in their lives, libertys or estates which not only prevents an increase of people to come in to reinforce this frontier, but obleidges many daily to quit and desert the same, and there is noe means left to prevent this Colony from sinking into utter ruin but H.M. takeing the same forthwith into his immediate protection. (ii) The number of white people are about 9000 souls, and as all males from 16 to 60 are obliged to appear in the Militia that number does not exceed 2000 men, who are generally expert in the use of armes, excellent marksmen, and by their often engaging with Indians, Spaniards and French are become bold, active, good woodsmen and enured to toil and labour, but the settlement lying scattered along the sea coast for 150 mile, makes it difficult and expensive to gett a number into a body upon any sudden invasion or incursion. For the reasons given in the first answer this number began to decrease till some stop was put thereto by the present measures. Charles Town is the only town and port in the Province whose fortifications being much damaged by storms, and the great guns dismounted, and everything relateing to the preservation of the Government wholly abandoned to negligence and confusion, and the inhabitants finding themselves

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disappointed (by the evil ministry of the Proprietors) of the several methods they had taken to restore those fortifications, were quite heartless and were ready sooner to quit the Province than be at any more expence about the defence of it, had they not been elevated and spirited by the late efforts made to have the Government in H.M. hands. Upon which they with heart and hand are repairing the fortifications of Charles Town, and will have 65 guns mounted upon the same, and all without the contribution of one penny by the Proprietors. They are now also repairing a small fort built to command the entrance of the harbour of Charles Town mounted with 22 guns, and by the royal bounty of H.M. our magazine of arms and ammunition is in good condition. Besides these fortifications the inhabitants have built a small fort at Port Royal which has about 12 guns mounted thereon to restrain the incursions of the Spanish garrison of St. Augustine and their Indians, having about 30 men in constant pay to guard the same *etc.* Repeat part of No. 516. and complaints against the Lords Proprietors *supra.* (iii) The Indians may be divided into three parts, first the Indians to the northward between this Colony and Virginia are about 2,800 souls; these are intirely in the English interests, and by their scituation will be soe as long as Carolina is a barrier between them and the incroachments of the French. The second division may be reckoned the mountain Indians called Charokees, about 11,500 souls, including about 3,800 men, these at present are intirely in the English interest, but God only knows how long they will continue soe, for the incroaching French (with whom they now are at warr) leaves no stone unturn'd to gett them over to them; which puts us to vast charges in making presents to their Chiefs, but if the French should at last prevail with them, this Colony will be reduced to the last extremity. Thirdly, the Indians that the French have intirely brought over to their party and trade, who were subject to this Province untill 1715, who were accounted at that time to be near 10,000 souls; they are now at peace with this Settlement, but as the French have secured their interest among them by building forts and placing garrisons, and carry on their trade by water carriage to their towns it is past dispute that upon a warr with France they will joyn with them to make an entire conquest of this Province, and the chiefest reason that they are now at peace with this Settlement proceeds from the warr that is between them and the

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Charokees. To these may be added about 3 or 400 Indians of the most desperate murderers in the late Indian warr, that are harboured at St. Augustine and incited and armed by these Spaniards to commit depredations and murders on the frontiers of our settlement. (iv) St. Augustine is the only Spanish town in Florida and about 150 miles from the frontiers of Port Royal, all the land between being deserted and intirely uninhabited, it is a garrison containing 300 sory soldiers *etc. as No. 516.* It is a pleasant country and capable if in English hands of very great improvements. *Refer to Expedition against St. Augustine in 1702.* *Continue:* So it is certain that two fifth rates with a bomb ketch and ingeniers and 200 regular troops with the assistance that this Province wou'd readily lend, wou'd easily take that Castle *etc.* It would be of great advantage not only to this Province but to the rest of the English Empire in America, for it would make a notable barrier to H.M. Dominions upon the Main, it would be a place of refuge and relief to H.M. subjects that are in distress or cast away coming thro' the Gulf of Florida and are now always murdered and eaten by the savages living on the coasts of that country. It would put an end to the distresses this Settlement lies under by the depredations of the Indians *etc. as No. 516.* *Continue:* The French in 1719 imported above 4000 men into these parts, and are building their Capital City near the mouth of the River Missassipi nameing the same New Orleans which is 480 miles from our frontiers, they are now preparing to repossess themselves of Chatahoochee River (called by the Spaniards the Apalachicola River) and make a strong settlement, and as their emissarys have been viewing the coast between this Settlement and St. Augustine, it putts us into a terrible consternation, and they are so sensible of our weakness, being left abandoned void of Royal Protection that they are not ashamed to give out among the Indians that they will take a time to drive us into the sea, and not an Englishman upon the Main, their prodigious and swift proceedings and powering such numbers of indigent needy soldiers into those lands and who haveing no plantations nor anything of their own, are greedily expecting a conjuncture to have the plundering of our flourishing Settlement wherein is about 12,000 negro slaves and the inhabitants finding noe remedy from the many representations made to the Lords Proprietors to take some measure to put a stop to these incroachments who never thought it worth their while soe much as to give an answer to

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the same, that all those that are able were making preparations to remove to places of safety, untill to prevent the ruin of the Province and preserve soe good a country to the British Dominions they resolved to throw off the yolk of the Proprietors and assume the Government in H.M. name, that being more imediatly under the influence of his Royal Government we may become sharers of the safety and protection enjoyed by the rest of his happy subjects. And as there is no other remedy left to prevent the impending ruin of this Settlement from the French whenever they please to put their designs in execution but H.M. powerful protection and assistance, soe it is most undoutly true, that if this Settlement be by any interest of the Proprietors longer deprived of the same, that the inhabitants under such circumstances, will sooner draw off their estates and families to places of safety, then any longer contribute to preserve them, seeing after all that they can doe, it will not be in their power. (vi) As for the trade, the trade is in a very flourishing condition in all its branches *etc. as No. 516.* Bullion we receive in return for the provisions we transport to the West India Islands goes all to Great Britain to about the value of 80,000*l.* sterl. per ann. and near 200 sail of all sorts are freighted here in a year. We receive cloathing, furniture, ironware and every other thing that is necessary for the convenieney of the life of man from Great Britain, whose merchants are the only traders with us, and by yearly supplying us with near 1000 negroes encreases our export by the many more hands sett at work *etc.* (vii) *v. No. 516.* (viii) We know of none certain except iron mines, which the Proprietors haveing the royalty of, discourages any attempts of opening, and if they were compounded with for their royalties in the same, yet nobody wou'd be at the charge of such work in a place of no real security *etc.*, but we have been frequently told that in the mountainous part of the Colony there are mines of gold, silver, eoper and several other oars *etc. Subscribed,*

531. ii. Exports of South Carolina, taken from the Collector's books. Jan. 1718-19. *To Great Britain :* 6773 barrels of rice, 18,414 pitch, 27,660 tar. 43 chests of deer-skins. Besides logwood, braziletta, hogsheads, pipe staves, cedar plank, pine planks, boards *etc.* *To the several Plantations :—*2,333 barrels of rice, 4,187 pitch, 5,677 tar. Besides masts, booms, bowsprits, barrels of beefe, porke, butter, candles, soap, tallow, tanned leather *etc.* corn, pease and provisions. Jan. 1719-20. *To Great Britain ;* 9,115 barrels of rice, 12,475 pitch,



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15,052 tar, and 80 chests of deer skins *etc.* as in 1718. *To the Plantations* :—3,953 barrels of rice, 4,406 pitch, 6,273 tar *etc.* as in 1718. *The whole endorsed as covering letter.* 5 large pp. [C.O. 5, 1265. Nos. 149, 149. i., ii.]

Jan. 29. **532.** Mr. West to the Council of Trade and Plantations. I have no objections to the Acts of Mountserratt *for raising a levy upon trading men, and for prohibiting levying of executions from the last of August to the first of March.* Signed, Rd. West. Endorsed, Recd. 1st Feb., 17 $\frac{1}{2}$ . Read 28th July, 1721. 1 p. [C.O. 152, 13. ff. 286, 287 v.]

Jan. 29. **533.** *Same to Same.* Reply to question stated 2nd Feb. I am of opinion that *such* Spanish ships are *so* prohibited. Signed, Richd. West. Endorsed, Recd. 1st, Read 5th Feb. 17 $\frac{1}{2}$ . 1 $\frac{1}{4}$  pp. [C.O. 28, 15. No. 69; and 29, 14. pp. 56, 57.]

Jan. 30th  
Feb. 10.  
Paris. **534.** Mr. Pulteney to the Council of Trade and Plantations. Acknowledges letter of Jan. 21st. The papers enclosed are only what I had before, and do not answer the queries I sent to Mr. Popple *etc.* (v. 15th and 26th Jan.) Encloses following. Refers to other matters concerning trade *etc.* Signed, D. Pulteney. Endorsed, Recd. 6th, Read 9th Feb. 17 $\frac{1}{2}$ . 2 $\frac{3}{4}$  pp. Enclosed,

534. i. Order of the Conseil de Marine to the Lt. General and Intendant of the Windward Islands, 6th Feb. (N.S.), 1720. The Commissaries of His Britannic Majesty have requested that the Island of Sta. Lucia or Sta. Alousie should be put back into the same condition it was in before the grant made of it to the Marcehal d'Etrées, the King has agreed thereto until he shall have informed his Britannic Majesty of the incontestable claims he has to that Island which belongs to France, you will therefore give the necessary orders to the officers, soldiers and others settled there since this grant to leave the Island as soon as you shall have acquainted them with H.M. commands, only leaving there the families settled there before this grant *etc.* Signed, L. A. de Bourbon. Copy. Signed, Du Bois. French. 1 $\frac{1}{2}$  pp. [C.O. 28, 15. Nos. 70, 70. i.; and 253, 1. Nos. 23, 23. i.]

Feb. 1.  
Virginia. **535.** Lt. Governor Spotswood to the Council of Trade and Plantations. There can be no doubt, but that the French settlement at Mississippi may (without timely precautions) greatly affect both the trade and safety of these H.M. Plantations. Tobacco, rice *etc.* will be exported thence and thus that nation becomes our rivals in foreign markets *etc.* By the communication which the French may maintain between Canada and Mississippi, by the conveniency of the Lakes, they will in

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a manner surround all the British Plantations : They will have it in their power by these lakes and the many rivers running into them and into the Mississippi, to engross all the trade of the Indian Nations which are now supplied from hence : They may by possessing themselves of the passes of the Great Mountains which ly between us and the Lakes either by themselves or their Indians fall upon and overrun which of these Provinces they think fitt : And seing by their late seizure of Pensicola from the Spaniards, their design seems to be, to extend their dominions eastward, towards South Carolina, it is certainly the British interest to put a stop to their advancing further that way ; and this in my opinion will be best effected by possessing ourselves of some places on the coast of Florida, and forming a settlement as near as may be to cramp theirs *etc.* St. Augustine is a small fort on the N.E. part of the coast of Florida with a village adjoining inhabited by about 2 or 300 Spaniards, and seems to be rather kept to preserve the Spanish title to the territory of Florida than for any profite that Crown receives thereby : The harbour admitts vessells of small burthen *etc.* The garrison usually kept is inconsiderable. But as the Bahama Islands on one side, and the Florida coast on the other, forme that streight which is called the Gulph of Florida (through which not only the Spaniards in their return from the West Indies, but the French from their new settlement must necessarily pass) this place may be of vast consequence to Great Britain whenever a war shall happen with either of these Crowns *etc.* In case of a rupture with France, men of war placed on that station might destroy the whole trade of the Mississippi Colony. *Proposes* that, besides the taking of St. Augustine, the small fort or rather battery of St. Mark may be attempted. It is a place of small strength in the Bay of Appalachea, on the western side of Florida. From hence it is that I would propose to forme a settlement to check that of Mississippi and to extend westward upon it, whereby we might share with them at least in their Indian trade, and keep a ballance of those Indian Nations in our interests, and in case of a war we may be able to annoy them from thence. Besides these two settlements it may not be improbable but that a good harbour may be found among the Islands at the Cape of Florida, which may be a proper station for men of war or privateers to intercept the Spanish or French trade from the Bay of Mexico" *etc.* This would also prove a security to our trade from Jamaica, which for want of places of retreat on that coast is often exposed to the danger of the enemy's privateers and storms *etc.* *Encloses* draughts of all these places, copied from the original of one Mr. Hughes an English gentleman, who had a particular humour of rambling among the Indians, and was killed by some French traders last war *etc.* The French have of late begun a traffique with the Coosatce Indians, and 'tis to be feared will soon get

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a footing among the Cherikees, South Carolina having already abandoned that trade, and the Virginia traders like to do the same, because of the low price of skins and furs in England and the high duty thereon etc. As these are the nearest to and most considerable body of Indians on our S. frontiers and consist of upwards of 4000 fighting men, so they have been generally very friendly and affectionate to the English, and are the only Indians we ought to depend on to ballance the Northern Indians, if they should attempt to be troublesome to these Plantations. *Desires*, in case H.M. approve the project of reducing these places, to return home on leave, in order to explain the method he proposes etc. *Refers to* enclosed letter to Col. Schuyler. His countenancing the haughty demand of the Indians to treat nowhere with any of H.M. Governors except at Albany, is too low a condescension to the humors of those savages etc. All grants of land are constantly recorded in the Secretary's Office etc. *Abstract. Set out*, Spotswood Papers, II. 328. *Signed*, A. Spotswood. *Endorsed*, Recd. 11th April. Read 6th July, 1720. 7 pp. *Enclosed*,

535.i. Lt. Governor Spotswood to Col. Schuyler, President of the Council of New York. Williamsburgh, Jan. 25, 1720. On the 2nd I received an account of a conference held at Albany, 7th and 9th Nov., between your Commissioners for Indian Affairs and some Sachims of the Five Nations; and as the same came handed to me from Philadelphia, without any letter of your Government to explain it, I should scarce have taken it to have been transmitted to me from the President and Council of New York, had not Governor Keith communicated to me your letter to him, wherein you mention, that it is by advice of the Council that those copys are sent, as well to the Governors of Virginia, Maryland and South Carolina as to him, and wherein you are pleased to express yourself in these words *vizt., and their immediate answer is expected with yours*. The account too contained in the sd. paper might have well caused me to doubt whether it was genuine, because in Aug. last you promised to take notice of the memorial given in at New York by Col. Robinson in behalf of this Government, and gave me to expect that you would at the next meeting of the Indians with your Commissioners press them to discover who that chief man of Virginia was that had (as your Indians declared in the Conference at Albany on 19th June last) invited them to come to wage war upon our frontiers, and had promised to assist them in ye undertaking with ammunition etc. Not perceiving one word opened by your Commissioners to the Indians on that head, I could hardly imagine the sd. paper

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contained a just account of your negotiations *etc.* In your letter to Mr. Keith you observe that your Indians think themselves slighted by the Governments to the Southward, and sending a copy of their demands, say that our immediate answer is expected. By which I can infer nothing less than a justifying your savages, and threatening no longer to interpose your endeavours to restrain them from infesting these Southern Governmts. or falling upon our Indian allies, unless we will submit to their terms *etc.* I cannot but wonder to see fellow-subjects indulging even to a suspicion of encouragement, those savages in their haughty demands of having all the King's Governors of this Continent dance many hundreds of miles to Albany to treat there upon every caprice of theirs ; And I with admiration observe that your Commissioners suffered the Sachims to go away with the notion of their being ill treated by these Southern Governments *etc.* I shall not trouble you with a long enumeration of their continual infractions of solemn treatys which they had made from time to time with this Governmt., having laid a full state thereof before your Governor when I was at New York *etc.* But during my own administration, in 1712 and 1713 they were actually in these parts assisting the Tuscarouros who had massacred in cold blood some hundreds of the English and were then warring against us, and they have at this very day the chief murderers, with the greatest part of that Nation, seated under their protection near Susquehanna River whether they removed them when they found they could no longer support 'em against the force which the English brought upon them in these parts. During the Tuscorouro war about 200 of your Indians sett upon our Virginia Indian traders as they were going to the Southern Indians with a caravan at least 80 horses loaded, and after having killed one of our people, and shot most of their horses they made booty of all ye goods. Soon after they returned in several parties carrying themselves very rudely to our outward inhabitants, and in July last approacht Christanna, and ravaged our Indians' cornfields, close to the fort there, upon which our Indians sallied out and a skirmish ensued wherein were two of ours, and four of yours killed. In Sept. following they came in the night and lay in ambush before the gate of the fort, and at the opening thereof they shot the first person that came out and kept firing upon the fort untill the English got to the great guns, and so scared them away. At length I found

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means to perswade one of their war captains (who called himself Connaughtoorah) to come in with ten more to a Council at Williamsburgh, 9th Dec. last, where I with abundance of civil treatment endeavoured to engage him to carry a belt of peace to their five Nations in behalf of our Christanna Indians, but he haughtily refused, and answered that they would not be at peace with them upon any terms: However I prevailed upon him to carry it with this proposal, That the Five Nations should observe their antient treaty with this Government so far as not to come among the English Plantations, and particularly that none of their warriors should approach within 20 miles of our fort at Christanna, *etc.* *Argues as to the behaviour of the Indians and their replies at the Conference at Albany etc. Same endorsement. Copy.* 7 $\frac{3}{4}$  pp.

535. ii. Account of H.M. Revenue of 2s. per hhd., Virginia, 25th April—25th Oct., 1719. *Totals, Receipts* 3783*l.* 19*s.* 9 $\frac{1}{2}$ *d.*, *Expenditure, 1904*l.* 10*s.* 8 $\frac{1}{2}$ *d.* Signed, J. Roseow, Rr. Genll., John Grymes, Depty. Audr., A. Spotswood. Same endorsement. 2 pp.*

535. iii. Account of H.M. Quit Rents, 25th April 1718–1719. *Totals, Receipts (including balance of £5529*l.* 0*s.* 8*d.* brought forward) 8367*l.* 14*s.* 10*d.* Expenditure, 1576*l.* 7*s.* 2 $\frac{1}{2}$ *d.* Signed and endorsed as preceding. 4 pp.* [C.O. 5, 1318. Nos. 77, 77. i-iii.)

Feb. 1. 536. Dudley Woodbridge to Mr. Popple. I never heard that any English or French were settled on Sta. Lucia at the time of the Treaty of Reswick, or during the last warr, *etc.* Had there been any settlement within those times, it would scarcely have escaped me. The first advancement towards the same that I remember to have heard of, on the part of the French, was in Feb. 17 $\frac{1}{2}$ , and Capt. St. Lo, H.M.S. *Valeur* meeting with some French cutting wood at Sta. Lucia, interrupted their proceedure. *Quotes* letter of Marquis Du Quesne to Mr. Sharpe and his answer, to which the Marquis never made any reply *etc.* *Signed, Dudley Woodbridge. Endorsed, Recd. 1st. Read 3rd Feb., 17 $\frac{1}{2}$ . 3 $\frac{1}{2}$  pp.* [C.O. 28, 15. No. 65; and 29, 14. pp. 41, 42.]

Feb. 2. 537. Mr. Popple to Mr. Attorney and Sollicitor Generall. Whitehall. *Asks for opinion, whether Spanish ships coming from Spanish ports in America, and loaden with the produets of those countrys, are prohibited by the Acts of Trade, and particularly those of the 12th and 15th of K. Charles II, and that of 7th and 8th K. William, to unloade and sell their cargoes in any of the British Plantations in America, and to load again there. [C.O. 29, 14. p. 40.]*

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Whitehall.

**538.** Mr. Secretary Craggs to Governor Hunter. You are forthwith to appoint Dr. Cadwallador Colden H.M. Surveyor General for New York in the room of Augustine Graham deed. *Signed*, J. Craggs. [C.O. 324, 33. p. 263.]

Feb. 2.  
Whitehall.

**539.** *Same* to the Governors and Proprietors of the Plantations. By the enclosed paper, which hath been published by authority, you will have the good news of the King of Spain's accession to the Quadruple Alliance, which I would not omit sending to you in this manner, though you may probably have heard of this happy event, before my letter can reach you. *Signed*, J. Craggs. [C.O. 324, 33. pp. 263, 264.]

Feb. 2.  
Jamaica.

**540.** Governor Sir N. Lawes to the Council of Trade and Plantations. The Assembly met at the time appointed, (12th Jan. v. Dec. 6), and have gone through a good deal of of publick business with vigour and dispatch, but the sudden departure of H.M.S. *Diamond* renders it impossible for me to get ready the Minutes of Council and Assembly *etc.*, with such bills as have been pass'd having given my consent to them but three days ago, *etc.* I shall therefore only by this opportunity give a brief acct. of the heads thereof and deferr my reasons at length for passing such laws till they can be transmitted *etc.* The most material business being finished, and this being the time of year of making sugar, both the Council and Assembly were desirous of a recess but there being severall good bills for the advantage of the Island under consideration which could not yet be compleated, I thought an adjournment more adviseable than a Prorogation, I did therefore with the advice of the Council on the 29th past, adjourn the Assembly till June 1st, having given my consent to the following laws vizt. (i.) An Act to impose duties on severall commodities to defray the extraordinary charges of the Government and applying the same to severall uses. In this bill there are the following duties laid vizt. on every negro imported, 5s., on every pipe of madera and canary wines imported 20s., on every tun of Portugall wines 30s. for every gallon of brandy 6d., for every gallon of arrack or spiritts 5s., for every tun of Spanish, Rhenish or Italian wines 40s., for every tun of mum or metheaglin 20s., for every tun of cask or bottled beer ale or cyder 25s., and on wines of the growth of the Western Islands commonly called the Azores 6l. pr. tun, 4l. whereof is to be to the use of the Revenue and the other 2l. to the uses and purposes in the said Aet mentioned, and on cocoa imported by vessells belonging to this Island 5s. pr. hundred, and on cocoa imported by vessells not belonging to this Island 10s.; for all museovado and Puneal imported 5s. pr. hundred; and for tobacco imported 6d. per lb. In this bill they have also laid a tax of 1500l. on the Jews, and out of the money arising by virtue of this law they have provided for H.M.

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officers and soldiers of the two Independant Companies in the usuall manner and they have likewise given their officers the following rewards vizt., to their Chaplin 80*l.*, his Clerk 20*l.*, the Clerk of the Assembly 400*l.*, their Messenger 240*l.* for their services in the last and present Assembly, and lastly they have appointed H.M. Receiver Generall to collect receive and pay the said severall sums. (ii) *An Act to oblige the severall inhabitants of this Island to provide themselves with a suffieient number of white people etc.* In this bill all persons without excepcion are oblidedged to keep a white man or woman for every thirty slaves young and old they possess, and also for every 150 horses, mares, mules, asses or neat cattle, and so in proportion for a greater or less number, and in case they are deficient in the number of white men aforesaid, they are oblidedged to pay to H.M. 7*s.* 6*d.* pr. week and for the incouragement of keeping supernumerary white servants on plantations it is therein enacted that the master of such supernumerary white servants shall receive out of the mony arising by virtue of the said Act for his incouragement 7*s.* 6*d.* pr. week for every supernumerary white servant in proportion to the aforesaid number of slaves and cattle, and all wherries and canoes that have not one white man plying in them shall pay 7*s.* 6*d.* pr. week, and all vessells tideing for freight in and about this Island shall not have above  $\frac{1}{4}$ th part of the crew slaves under the penalty of 20*l.* and all masters or mistresses of familys not actually resideing on the Island are only to be allowed 24 negroes young and old to a deficiency. The mony arising by virtue of this Act is ordered to be paid into the hands of H.M. Receiver Generall and shall only be applied and appropriated to such uses and purposes as the present or any future Assembly shall direct. (iii) *An Act to revive such parts of former acts as relate to any mony's still due to the publick.* This Act recites that whereas in the execution of severall former Acts many of the inhabitants were assesd within the time limited by the said Acts and before the expiration of either of them or H.M. disallowance of any or either of the said Acts was duely signified to the Governor some part of the said taxes so asses'd remains still unpaid, they have therefore enacted that all the mony still remaining due by virtue of the severall acts therein mentioned shall be paid into the hands of H.M. Reeceiver Generall to be disposed of to such uses as this present or any future Assembly shall appropriate the same. (iv) *An Act for appropriateing severall sums of mony to severall uses.* In this bill they have appropriated out of the mony arising by virtue of the before mentioned Acts 7000*l.* unto the Treasury for the payment of the debts effecting the Revenue and to supply the contingent charges of the Government, 7000*l.* for and towards the payment of parties to suppress rebellious and runaway negroes, £1400*l.* to Mr. Cardiff for the payment of his sloop which was taken by the pyrates when he lent her on the Country service to regain

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the *Kingstone*, 81*l.* 7*s.* 6*d.* to provide convenient houses lodging and bedding for the Independant Company in this Town, 120*l.* to John Guthrie for 3 years rent and the repairs of a house taken up as barricks, 20*l.* per annum to the daughter of George Fletcher who was killed in pursuit of the rebellious and runaway negroes, and 10*l.* a year to each of the children of Joseph Hyden, who lost his life in the same service, until 16 years of age; to Messrs. Archdeckne and Pestell 100*l.* for an Indian man killed by the rebellious negroes, and they have likewise been very bountifull to the poor men who were wounded and maimed on board the sloop *Defiance* in an engagement with a Spanish pyrate and to the widdows and orphans of those who were killed in the said engagement. And whereas the Factors of the South Sea Company have commenced a suit in Chancery against John Chaplin Esq., late Commissioner of the Additional Duty Act pass'd in Mr. Heywood's Governmt. for the recovery of mony by them paid on the exportation of negroes by virtue of the said law, they have ordered him to retain in his hands the ballance of his accts., being 1516*l.* 17*s.* 3*d.*, to defray such charges as he shall or may be at in defence of all suites allready commenced against him and to indemnify him from all such sums as shall or may be recovered on that account, and at the determination of the said law suit if it shall appear the said Chaplin has been any ways undisbursed that the same shall be made good to him *etc.* In this they have likewise ascertain'd the fees of H.M. Attorney Generall and lastly they have appointed the Receiver Generall for the time being to receive and pay the severall sums in this Act mentioned. (v) An Act to prevent *enticing or inveighing of slaves from the possessors and for preventing the transportation of slaves by mortgages and tennants for life and years and for regulating abuses committed by slaves.* The title of this Act expressing the whole purport thereof, there was little objection made to it, and I beleive it will prove a beneficial law to the Island, those are all I have hitherto pass'd. I come now to give your Lordships an account of some bills that have been sent up by the Assembly to the Council, which the Council having amended, the Assembly adheard to their bills, and the Council to their amendments, by which the bills were lost vizt. (1) An Act to repeal the condemnation of the sloop *Nuestra Sennora de Belin* otherwise called the sloop *Kensington*. (ii) An Act for the releif of such persons as have suffer'd by pyracies at sea or on the shore by any of H.M. subjects of this Island. To these two bills the Council made some amendments which the House did not agree to, but that your Lordships may be more fully apprised, and be able to determine the points in question, I send you copy's of the said bills with the Council's amendments annexed, and must desire the favour of your Lordships opinion in case bills of the same nature should arise in any ensuing Sessions, I may have your Lordships con-



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currence for my guiddance in passing or rejecting them. (iii) *An Act for appointing an Agent in Great Brittain to solicit the passing of laws etc.* This bill the Council rejected without sending their reasons in writing to the Assembly for so doing, or without desiring a Conference on the subject matter of the said bill, a copy whereof I herewith send your Lordships and should be glad if your Lordships would honour me with your opinions thereon believing either bodies would have great regard to what you should please to signify on that head. *Refers to 6th Dec. 17, 1719, relating to a perpetual revenue bill. Continues:* As the Assembly have appointed Comitties during this recess to prepare the business of the Country against their next meeting, which remain yet unfinished, so I hope to receive before that time your Lordship's answer etc. *Encloses* Minutes of Council to 26th Aug. and Naval Officer's quarterly lists etc. as desired 9th July. Having lately recd. some information concerning the departure of some Spanish men of warr from the Havanna, I thought proper to have the person who brought the information, examined before me in Council. *Deposition enclosed. Repeats request for guns for Port Royal.* When H.M. shall think fit to make peace with Spain, 'twould be much for the advantage of the inhabitants of this Colony, if we were allowed a free liberty of fishing for turtle within sight of the shore of the Spanish territories in this part of the West Indies. *Repeats proposal of Dec. 6 as to right of cutting logwood in the Bay of Campechy. Signed, Nicholas Lawes. Endorsed, Recd. 18th May. Read 2nd Nov., 1720. 11 pp. Enclosed,*

540. i. Copy of amendment made by the Council of Jamaica to a bill *for the relief of such persons as have suffered by piracies etc.* 27th Jan. 1720. *Same endorsement.*  $\frac{3}{4}$  p.

540. ii. Copy of bill referred to in preceding. *Same endorsement.* 2 pp.

540. iii. Copy of a bill *for appointing an Agent etc.* 20th Nov., 1719. *Same endorsement.* 2 pp.

540. iv. Copy of bill *to repeal the condemnation of the Nuestra Senora Belin etc.* 19th Jan. 1720. 1 p.

540. v. Amendment by the Council to preceding. *Endorsed as letter.*  $\frac{3}{4}$  p.

540. vi. Deposition of Samuel Lobdell, Master of the *Phoenix*, 29th Jan. 1720. About 20th June last he was taken by three Spanish privateers off Campeche, carried to La Vera Cruz and forced into the King of Spain's service by 4 men of war designed to take Mouville, but learning of the taking of Pensicola by the French, they landed 600 men at St. Joseph's. The Admiral sent to La Vera Cruz for more ships and forces, and on 8th Dec. received advice that the ships would be ready in 9 days time loaden with money and designed

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to land it at the Havanna till the expedition to Pensicola was over and then to sail for Old Spain in March *etc.* The force of the ships were four 50 gun ships, two 64 guns, three of 40, all designed for Pensicola, but most of their men sick and weak. Also a ship of 32 guns, another of 20 and another of 18 loaden with stones bound to Pensicola designing to build a castle there, and a packet of 26 guns designed to sail for Old Spain. Deponent was informed by an Irish doctor that there was a great deal of money designed for Spain to carry on the warr which was to be transported thither next March by six men of war. Whilst deponent was prisoner at St. Juan de Luthere, about 2000 boatloads of money came over from the shoar, *etc.* *Signed, Samuel Lobdell. Same endorsement. 1 p.*

540. vii. Minutes of Council of War at Jamaica, 27th and 29th June, and 24th July 1719, putting Martial Law in force till 10th Aug., and ordering measures of defence. *Same endorsement. 10 pp.* [C.O. 137, 13. Nos. 40, 41. i.-vii.]

Feb. 3.

541. Petition of the Council and Assembly of the Settlements in South Carolina to the King. Containing a representation of the great grievances and intolerable hardships the said inhabitants have suffered under the late Government of the Lords Proprietors of that Province. *Refer to* Charter of K. Charles II to the Lords Proprietors, "who having humbly besought leave of H. M. by their industry and charge to transport and make an ample Colony of H. M. subjects into the said country at that time only inhabited by some barbarous people who had no knowledge of Almighty God being thereto excited with a laudable and pious zeal for the propagation of ye Christian faith and the enlargement of H.M. Empire and Dominions as is most amply sett forth in the said Charter." *Continues* :— Notwithstanding which the Lords Proprietors etc. have not to this day been at any charge or used any endeavours to propogate the Gospell amongst the said barbarous people who continue as ignorant of Almighty God and the Christian faith as before the granting of the said Charter. Neither have the said Lords Proprietors been industrious at their charge to transport and make an ample Colony of H.M. subjects in the said Province, but on the contrary from time to time impeaded and hindered the peopleing the same by violating the covenants made with H.M. subjects who upon their fair promisses were invited to be at ye charge of transporting themselves and thereby prevaricating with H.M. who upon those consideracons granted them the said Royal Charter. And as one of the principal designs of his said Majesty in granting the said Charter

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with such ample powers and jurisdiction to the said Lords Proprietrs. was for the good governmt. and safety of his leige subjects in ye said Province, yet the Lords Proprietors have so abased that trust and confidence reposed in them that by their confused administracon over your Majesty's subjects in this Province they are neither safe in their liberties or properties, But have abandoned the Government to evil Ministers and exposed us to ye ravages of most barbarous enemys. Whereby wee hope it will be evident to your most Gracious Majestye that they have acted contrary to the design of their original trust and that the same will more fully appear by these our grievances *etc.* :—That the said Lords Proprietors were by their said Charter impowered to build and found Churches Chappels and Oratories in convenient and fitt places *etc.*, and to cause them to be dedicated and consecrated according to the ecclesiastical laws of the Kingdom of England together with full and ample rights, privileges *etc.* necessary for the same. Yet the said Lords Proprietors (in neglect of those extensive powers granted to them on the great confidence H.M. had in their religious and good intencions) have not to this day erected any Church Chapel or Oratorie for Divine worship nor any school or seminary for the education of youth in the principals of the Christian Religion nor ever reserved any places within any bounds or limitts for the same or soe much as covenanted with any of your Majesties subjects to whom they have sold lands for the reservation of any bounds limitts or places for the same nor procured the dedication or consecration according to ye ecclesiastical laws of England of any of those built by ye inhabitants whereby those unhappy and woful consequences by their neglect herein has befallen us, that the youth by imbibing irreligion for want of due education may become as barbarous as the native savages. Further we doe represent unto your Majestic that the said Lords Proprietors by the said Charter were indued with full power and authority “to give and conferr unto and upon such of the inhabitants of the said Province as were capable of marks and titles of honour and favour and who for their deserts and services might expect the same.” But the sd. Lords Proprietors instead thereof sent over a number of blank patents for creating Landgraves and Cassiques to their Governour and Receiver General in this Province in order to have them exposed to sale at a certain price, soe that the persons who by their deserts were intituled to any such marks of honour thought this procecdure soe mean that it was beneath them to accept thereof. And whereas the said Lords Proprietrs. their heirs and assignes are by the said Charter fully impowered to erect raise and build within the said Province *etc.*, such and soe many forts, cities, villages, *etc.*, and the same or any of them to fortify and furnish with ordnance, powder, shot *etc.* and all other habiliments of warr *etc.* as should be

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thought fitt and convenient for the safety and wellfare of the said Province *etc.* Whereby wee conclude with great submission that his late Majesty had a tender regard for and was particularly carefull of the defence and safety of such of his subjects that were to be settlers in the said Province as well from the invasions and incursions of the barbarous Indian savages as other enemys. But such was the negligenee of the said Lords Proprietrs. that neither in the infancy of the Colony or any time since have they sett apart or appropriated any of their lands for erecting towns villages or fortificaeons or soe much as contributed one penny towards the raising any forts or other fortificaeons which to almost the ruin of the inhabitants they had been oblided to build by advancing a great part of the little estates they brought with them to settle this Province which they had obtained with great pains hazard and industry. Otherwise by the said incapacity of the said Lords Proprietors to assist us this part of your Matyes. Dominions had been lost to your Empire had it not been for the vigorous defence made by the inhabitants against the several attempts made to subdue them. That the said Lords Proprietors contrary to express powers granted them by the said Charter not to ordain make or enact any laws or ordinances but what were consonant to reason and as near as may be conveniently agreeable to the laws and customs of England and soe as the same doe not extend to the binding charging or taking away of the right or interest of any person or persons in their freehold goods or chattells whatsoever. Yet notwithstanding the said Lords Proprietors did in 1704 under their hands and seals ratify and confirme two Acts of Assembly of this Province the first entituled an Act for establishing religious worship in this Province according to the Church of England and for erecting Churehes and for the maintenance of *Ministers etc.*, and the second, for the more effectual preservation of the Government of this Province by requiring all persons that should be then chosen members of the Commons house of Assembly to take oaths and subscribe the declaracon appointed by that Act and to conforme to the religious worship in this Province according to the rites and usages of the said Church by which Act a great part of your Matyes. freeborn subjects inhabitants in this Province were excluded from being Members of the General Assembly. And tho' it was represented to the said Lords Proprietrs. that there were many corrupt practices made use of by their Governmt. here in order to have those Acts passed and that it was contrary to the rights and liberties of your Maties. subjects, yet they refused to redress the said grievances until application was made to the honble. house of Lords who having fully and maturely weigh'd the nature of these two Acts address'd her late Majestic Queen Anne setting forth that the former of these Acts was not warranted by the Charter *etc.* being not consonant to reason

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repugnant to the laws of England and destructive to the constitution of the Church of England. And that the latter of those two Acts was founded upon falsity in matter of fact, was repugnant to the laws of England, contrary to the Charter, was an encouragement to atheism and irreligion destructive to trade and tended to the depopulating and ruining the said Province. And besought H.M. to use the most effectual method to deliver the said Province from the arbitrary oppression under which it lay and order the authors thereof to be prosecuted according to law. *Quote* Representation of Board of Trade 24th May, 1706, and Order in Council, 10th June, 1706 (v. C.S.P.) *for proceeding against the Charter. Continue:* By the said Charter King Charles II did in express words save the faith allegiance and sovereign dominion due to H.M. his heirs and successors for the said Province and alsoe the right title and interest of all and every his subjects of the English Nation in the same and declares them to be the liege people of the Crown of England and to have right to all the liberties franchises and priviledges of Englishmen as if they were born in the Kingdom of England. Yet the said Lords Proprietors having but small regard to the Royal reserve of your Majesties Sovereignty over this Province have assumed a despotick authority exceeding the regal power in Great Britain in repealing and abrogating by themselves alone several beneficial laws from time to time which were after a most solemn manner ratified and confirmed by their deputies empowered by them so to doe under their respective hands and seals with the advice and consent of the representatives of the freemen mett in open Assembly for the good Government and safety of this Province after a most arbitrary manner trampling upon the rights and liberties of your Matyes. subjects who have as Englishmen a incontestable right of being governed by noe laws made here but what are consented to by them, which laws we presume are of full force untill repealed by the same authority that made them, and sometimes this is done by two or three of the Proprietors who pretend to have proxies or deputacons from the absent Proprietors or from the Guardians of the Proprietors under age tho' at the same time those same Proprietors or Guardians to those under age give proxies or deputacons to their representatives in this Province who in behalf of their Principals ratifye and confirme those laws to the great confusion of their administration contrary to any power given to them by their Charter endangering the safety of H.M. subjects in this Government and in derogation of the usual methods practised by them heretofore in the like cases, tho' their Deputies and Freemen here have never denied to repeal any laws when recommended thereto by the said Proprietors. These proceedings together with the uncertain method of their administring their Government over your Majesties subjects sometimes by a Governr. representing the

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first person of the Proprietors in England and seven Deputies each separately representing the person of a Proprietor doing all sorts of Government without a Council of the inhabitants. Anon by a Governr. and seven Deputies each respectively representing the whole board of Proprietors likewise without any Council. At another time a Governr. representing the whole body of the Proprietors and twelve others as a Council wherein they make noe distinction of foreigners unnaturalized and H.M. free-born subjects, have put us under unspeakable hardships never knowing our constitueon, destroying all publick credit soe necessary in this frontier Province to defend ourselves against our enemys and defeating all measures taken for our safety and preservation and good government of this Province. Not to instance all the Acts of Assembly they have taken upon them to repeal; they have repealed a law that lays a duty on negroes imported from Affrica which was appropriated to repair the fortifications of this Province and to maintain some soldiers on the frontiers placed there to repulse the Spaniards and Indians living at St. Augustine who continually make incursions on this Settlement and for maintaining our Clergy by which means the Lords Proprietors did what in them lay to deprive our Clergy of a maintainance and to make us an easy conquest to the Spaniards who understanding our weak and defenceless condicon are preparing forces at the Havana and other Spanish ports to invade us at a time when by the vast debts contracted by the Indian warr and the expedition against the pyrates all our taxes and other funds were anticipated for severall years. They have alsoe taken upon them to repeal one other Act for ascertaining the manner and forme of choosing representatives of the Freemen to meet in Assembly wherein was followed the method most agreeable to the laws of England and consonant to the method practised in other your Matyes. Dominions in America by which law all members for the future to be chosen in the several parishes and preeincts through the Province by way of balloting and appointing the number according to the largeness of each parish. And the said Proprietors have substituted in its place an unprecedented method of summoning all the Freemen of the Province into two bodys to chose their Representatives by subscribing their names to lists of Representatives to the major part of whom the Freemen are generally strangers. Whereby giving room for faction corruption and tumultuous meetings and to the great expence of time travel and money to the Freemen.

That the Constitueon of the said Lords Proprietors Government is inconsistent and injurious to your Majesties said subjects for the Lords Proprietors whose powers and prerogatives are united in them all, not to be disjoynted, take upon them to send a Governour as a representative and Deputy of the first

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member of their number called the Palatine and each of the other Proprietors their respective Deputies making in all eight which sitt debate and vote as a Council of the Province, a body which in all other H.M. Colonys is formed to be a barrier between the Governour and people. These Deputys by their employment are wholly dependant upon their constituents and therefore think themselves obliged to carry everything they can in favour of the Lords Proprietors intentions and advantage being likewise bound by an oath to doe nothing repugnant to their interests ofttimes without any regard had to the publick good of the Colony. And when any of the Lords Proprietors Deputies are soe honest as to vote against the Lords Proprietors or their Governours private interest proposed they are turned out and others put in their room. These Deputys have power given to them to reject any law proposed for the good of the Colony but if it should happen that it should pass them, then the Governr. pretends another negative upon them, and sometimes the Lords Proprietors take upon them to appoint another to have a negative upon the Governour. And lastly the Lords Proprietors themselves assume a power of repealing those very Acts ratified and confirmed by their said Governour and Deputies. Soe that the Lords Proprietors who by their Charter ought to have but one negative assume sometimes three and sometimes four negatives upon the laws agreed to and passed by the Representatives of the Freemen mett in Assembly. And having noe Councill between them and the people they suffer noe law to pass or if passed to be of any longer force than suites with their private views and designs to the great confusion and intire loss of all publick credit soe necessary in the frontier Collony and distractive to the liberties and properties and apparent violation of the free Constitueon of H.M. freeborn subjects. That tho' the said Lords Proprietors are impowered by their said Charter to erect citys burrough towns or villages by granting charters of incorporations franchises and priviledges to any body of people yet they have altogether neglected to doe the same neither have they settled any County jurisdiction for the preservation of the peace and regular Government according to the laws of England neither have they erected one mannor for holding Court Baron or to have and to hold veiws of frank pledge and Court Leets for the conservation of the peace and better Government of this Colony but have abandoned all to an unaccountable disorder and confusion under the administraction and underhand management of a single person whom they have commissioned and call Chief Justice who solely and by himselfe holds all Courts of Kings Bench Common Pleas and Exchequer as above all Assize County Courts and Sessions only in Charles Town the only place of Judicatu[r]e in the whole Province who makes what lawyers and takes what fees he pleases summoning all persons from the remotest

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parts of the Colony to attend his Courts noe appeals from himself but to himself nor no method of appeals settled for the ease of your Matyes. subjects to your Majesty and Council as is done in the rest of your Matyes. Colonies nor any proecess suffered to be issued in your Matyes. name, judge of his own errors the Marshal and other officers taking what fees they will and he upon frivolous pretences adjourning Courts and putting off tryals delaying justice in order to multiply his perquisites which are according to his own arbitrary pleasure dayly exacting and extorting new fees to the intolerable burthens of the clyent undertaking himselfe to draw writings and afterwards judging in his Courts the validity of those writings according to his own pleasure sending for the lawyers and giving secrett advice both to them and the clyents how to proceed in their causes and insists that noe General Assembly or authority here can either call him to an account or remove him nor even the Lords Proprietors themselves unless notoriously proved guilty of such misdemeanours before the Lords Proprietors in London as they themselves judge he deserves. He having words incerted in his Comission to that purpose by the said Proprietors, but by the small regard the sd. Lords Proprietors have had to the repeated complaints made both by the publick and private persons injured by him wee find they cannot be induced to remove him he always by his insinuations perswading them he is the only person that can serve their interests in Carolina tho' no person has been ever more prejudicial to them. The notorious crimes and offences which immediately relate to him as Chief Justice will appear in a Remonstrance and Impeachment brought against him by the Commons house of Assembly now sent to your Majestyes judges in England. That when in the year 1715 the Nation of savages called Yamasees had at the instigation of the Spanish garrison of St. Augustine cruelly massacred your Matyes. subjects in those frontiers and committed most barbarous depredations in the very heart of the Settlement upon their being repulsed by the inhabitants, the said Spanish garrison protected them and bought their plunder and furnished them with arm's provision and ammunition (tho' in the midst of peace with the Crown of Spain) in order to renew their depredations. All which being represented to the said Lords Proprietors to take some effectual means to put a stop to this barborous dealing of the Spaniards yet they never regarded the lives and estates of your Matyes. subjects but some of them replied to several that went from hence. If the inhabitants were destroyed the country might be settled by a better people. It was alsoe represented to them that the said garrison harboured and protected rebels felons debtors servants and negroes that fled or run away thither which put us to a great charge in garding that frontier even in time of peace but all to noe purpose the



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Lords Proprietors never soe much as gave an answer to the same. We further represent that it is of very great consequence to the whole British Dominions in America to drive the Spaniards from St. Augustine for not to instance the enlargement of the Indian trade which takes of a good quantity of the British manufacture it will be a notable barrier to your Matyes Colonys on the main, keep the Indians in a greater dependance on English Government being deprived of the refuge they always find there protect and releive his Matyes. subjects that often are cast away coming thro' the Gulph of Florida and most barbarously murdered by the Florida Indians. And to the enriching his Matyes subjects by the wrecks of the rich Spanish gallions and other richly laden Spanish ships that are frequently cast on the shoar of Florida coming thro' the Gulph the only passage they use to old Spain. That notwithstanding the great expence we were at in the said Indian warr with the said Yamasees and their confederates which not only preserved the Lords Proprietors lands not yet settled or taken up but also such lands as they have appropriated to their own private and particular use from falling into the hands of the Indians they have not contributed to any part of the charge either by tax or otherwise excepting about 150 small arms. And when the Agents of this Province made application to them they declared their incapacity to assist us. But least your Majesty under our extream neecessities should take us under your most gracious protection they prevaricated with the Lords Comissioners of Trade who put some queries to them being desirous to know what steps they had taken towards our defence and what they had contributed for that purpose. They told the Lords of Trade they had sent us large quantities of armes and amunition and had ordered their Receiver General to appropriate all such monys as was in his hands to our use which they thought would stop the Lords of Trade from enquiring any more after the miserable condicon of his Matyes. subjects in Carolina altho in fact they ordered their said Receiver by the very next opportunity to make remittances to them of every penny of their moneys in his hands, soe left us to strugle with all those insupportable difficulties, even to the almost intire loss of the Province and during two years and half of that unhappy time they never wrote one letter to their Governour and Deputies here and took noe more notice of us than if they had abandoned the Province. We alsoe take leave to represent to your Majestie when by the Proprietors male administraction of the Government of North Carolina they brought a bloody Indian warr upon the Inhabitants thereof, wherein many hundreds of your Matyes. subjects were destroyed and barbarously murdered. It was insinuated to the Assembly here by the Lords Proprietors Deputies that if they would raise mony and send assistance to North Carolina they should be reimbursed

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out of the Lords Proprietors quitt-rents. Yet notwithstanding the great expence we were at and the loss of lives of several brave men of this Settlement in that warr which was vigorously prosecuted until it was happily ended to the saving of that Province to the Lords Proprietors they never to this day refunded one penny or even soe much as gave thanks for preserving their lands tho' we were noe ways obliged to be at the least expence or trouble about the same. In 1718 one Thatch a notorious pyrate better known by the name of Blackbeard came off the Port of Charles Town and took several ships belonging to your Majestyes subjects trading to this Province and made several persons of note inhabitants of this Settlement prisoners and went directly to North Carolina where under pretence of accepting of your Majestyes gracious pardon by the connivance of the Proprietors' Governour there committed several acts of pyraey there in the very face of that Government and several parcels of pyratial goods were found in their Governours and Seecretarys custody in soe much that their Government of North Carolina became a nest of pyrates, and your Majesties Governour of Virginia being touched with concerne to find that any of your Majesty's Dominions should be thus basely scandalized, made a complaint to the said Lords Proprietors of those proceedings. And they instead of bringing such base offenders to condign punishment according to their wonted supineness and negligence took noe notice of the same. That as soon as the inhabitants of this Settlement had driven the said savage Yamasees from their lands adjoyning to Port Royal in order to strengthen that frontier and encourage new-commers to come in and plant the same their Representatives in Assembly obtained two Acts to be passed into Laws for dividing those lands amongst such of H.M. Protestant subjects as should come and settle the same excludng under severe penalties such persons having land already in this Province from buying any the said lands tho' by the Lords Proprietors instruecons to their officers here any person might have bought the whole or any part thereof until by those Acts they were restrained. And abstracts of those Acts being sent into Great Britain and Ireland and printed there gave such incouragement that about 500 of H.M. Protestant subjects transported themselves in order to take the benefit of the same and on which the planters that had escaped the Indian massacre were enabled to returne to their plantacons in the frontiers. But all this was interrupted by an unseasonable repeal of those Acts by the Lords Proprietors under pretence first that as the lands were their property soe they would dispose of the same as they thought fitt, secondly by an instrument under their hands they made a distribucon of the same far short of that made by the said Act of Assembly which the new commers finding noe other remedy were forced to comply with and began their

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surveys upon those lands ; But thirdly to the great surprize of the whole Province and the utter ruin and confusion of the new comers and in breach of their publick faith the Lords Proprietors sent orders to their Surveyor General that all those lands should be surveyed for their own private use and that they might be sure to take in the whole tract of the Yamasee settlement they directed much more to be appropriated to their private use then the said Settlement was ever accounted to contain. And tho' ye several persons had payed the purchase mony to their Receiver General here for those very lands yet they are not only refused having any titles confirmed to them for the same after the usual methods prescribed but alsoe the said Receiver General refuses to returne them their monys. It is impossible to view the consequence of this proceeding of the Lords Proprietors without horror. The old Settlers in the frontiers missing of that reinforcement there, of the newcommers again deserted their settlements leaving open the southern part of this Province to the enemy to their great encouragement and indangering the whole, and reducing the new commers into soe miserable a condicon that by sickness contracted by their often removings and spending all their substance they brought to begin their settlements are reduced to that want and poverty that they are daily consuming and perishing and those that have anything left removing off the Province to the great weakning the same. That notwithstanding the many addresses made by the Genl. Assembly from time to time to the Lords Proprietors to take some measures to prevent the French from ineroaching on this part of H.M. Dominions and especially at the beginning of the Treaty of Utrecht our Agent Mr. Kettleby presented a Memorial relating to the same to the then Duke of Beaufort Palatine they not only abandoned all to an unaccountable neglect but also when in May 1715 the French from Mobile having prevailed on the Albama Indians to murder our factors amongst them tho' it is notoriously known that that place belonged to this Government and Settlement several years before the French ever settled at Mobile or anywhere thereabouts the said French immediately nevertheless took possession of the said place and secured the same by building a fort which they vainly call New Thoulouse and all these eneroachments were complained of without any prospect of redress. That since that time the French not contented with that usurpation continued to ineroach by making forts at the mouth of the rivers belonging to this Province and arising near our Settlements insisting that by their Charter they are enabled soe to doe by the words of the same which makes their bounds to extend eastward as far as the settlements of the people of Carolina soe that now they having made themselves masters of Pansacola a late Spanish fort conveniently scituated they surround this Settlement from the mountains to the sea vizt.

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to the North-west the West and the South West which has already this dismal effect that all the Nations of Indians towards those points and but lately under our Government have withdrawn themselves from the same and subjected themselves to the French. And as wee can't tell where or when these in-croachments will end, soe as they are now seituated and our Settlement scattered along the sea shoar for 150 miles there is nothing under God can prevent their taking possession of this Province upon the first war with France, we being assured by deserters that there is at least 4000 men imported there within a few months, over and above what was already there and more expected daily by the great incouragement given by the ministry of France who transport them freight free and maintain them with provision untill they are able to support themselves. We are further to observe that there lies an open levell champion country from their late ineroachments to our settlements plentiful of venison and other game sufficient to sustain 2000 men in a march against us as it has several times been experienced by our expeditions to Apalatché soe that what by the late Indian warr the necessity wee were under to subdue the pyrates the expence of a defensive warr against the Spaniards and Indians at St. Augustine by maintaining garrisons and scout boats against them the demolition of our principal fortifications by storms and the expences arising to repair the same the vast presents wee are obliged to make to the Indians to keep up a party amongst them from depending altogether upon the French interest and lastly the weak and unsteady constitution of the Lords Proprietors Government who have always rather opposed the methods we endeavoured to have taken to strengthen ourselves then contributed to our support and by this means we have lost all manner of credit noebody venturing to trust any publick funds contrived for our support that we are reduced to the last extremity ingulphed in debts without any prospect of extricating ourselves, all our funds anticipated for several years to come our expences increasing without any view of answering them all which are soe well known to our enemys and ineroaching neighbours that they not only contemn us but look upon us as an abandoned people void of the Royal protection of your Matye. soe that without your Majesties assistance and steady Government this hopeful Province will be lost to the British Empire to the endangering Virginia and other your Majesties Dominions and the irreparable loss of the beneficial trade of the same. Thus most gracious Sovereign we have been constrained by the many hardships wee have laboured under from the Lords Proprietors and viewing with terror our own unhappy and weak condition unable to resist the attempts of the Spaniards who are making preparacon to invade us or putting a stop to the continual ineroachments of the French Settlement of Missisipi, being intirely exhausted

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by a long and expensive bloody warr with the barbarous Indians and which is worst of all under the Government of Proprietors who are both unable and unwilling to help us have obliged us as English men and denizens of England born to all the rights and priviledges thereof to fly properly for aid and assistance to your most sacred Majesty our onely truly Sovereign Lord humbly supplicating your Royal compassion noe ways doubting your Majesty's approbation of our assuming the Government here in your name in this time of eminent danger and confusion there being noe other remedy to secure this Settlement from ruin and the inhabitants from deserting the same to the utter loss of soe considerable a part of your Dominions. Therefore wee most humbly pray your Majesty to take us under the wing of your Majesties immediate Government that therein wee may partake of the Royal blessings which your happy subjects enjoy under the direct influence of your Scepter. Wee throw ourselves at your Majesties feet. And that all Heavenly and temporal blessings may perpetually be shoured upon your Sacred Majestic our lawful and rightfull Sovereign and upon your Royal issue shall ever be the prayer of your Majesties loyal and distressed subjects settled in South Carolina. *Signed*, Richd. Allein, Sam. Eveleigh, Alexandr. Parris, B. Schenckings, Samuel Prioleau, George Chicken, Thos. Smith. *By order of the Commons House of Assembly*. T. Hepworth, Speaker. 9½ large pp. [C.O. 5, 382. No. 20.]

Feb. 3.  
Whitchall.

**542.** Council of Trade and Plantations to Earl Stanhope. *Ask for* "H.M. Orders to build us two new rooms upon a piece of spare ground adjacent to our office appertaining to H.M." etc. cf. 9th Jan., and 3rd April, 1718. [C.O. 389, 37. p. 170.]

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**543.** Agents of Barbados to the Council of Trade and Plantations. *Reply to the* complaints against the Governor of Barbados, in relation to his permitting a Spanish sloop to trade there, and to his receiving of money. We admitt that upon a long examination of Pablo Planes before the Governor and Council, did appear that the goods on board were but of small value and could not in rigour be called a cargo or loading (v. 25th Feb.) Wherefore the Governor was of opinion that as it would be a great advantage to the Island, to encourage and induce the Spaniards to bring thither their mony and West India commoditys, soe he knew of no Act of Parliamt. against it, with which opinion the Councill unanimously agreed and concurred with the Governor that Pablo Planes or any other Spaniards might be permitted to unload and sell his or their said goods there, provided they brought nothing but the produce of the Spanish West Indies etc. It does not appear from the Minutes of Council, 19th Dec., 1718, that Mr. Cox made any remonstrance, as he pretends, but was present and

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concurred *etc.* *Refer to enclosure.* It has always been thought prudent to connive at a trade from Jamaica to the Spanish coast *etc.* The merchants agree that a like trade from Barbados would be advantageous *etc.*

As to the money said to have been paid to Governor Lowther (i) the first sum, £130, was paid not to him but to Capt. Waldie with the thanks of the Assembly for his great civility to the Governor his Lady and family in their passage to Barbados. (ii) £3750 Island money was voted to defray the Governor's expences in being recalled and returning to Barbados, and repairing Pilgrim's. (iii) £1000 for furnishing his cellars, which was accustomary and has allways been given to the Governor of that Island. (iv) £1300 for his entertaining the Council, Assembly, Judges and Officers of the Court of Grand Sessions. (v) £4050 for his expences for supporting the honour of the Government, and for solemnizing the happy success of H.M. arms, against the rebels of Great Britain. (vi) £1300 for reimbursing the Governor's expences in the administration of publick affairs. (vii) £3960 was voted by the Assembly, for that it was directed by an Act of Assembly, that a quantity of land should be purchased at the publick charge to supply the want of land at Pilgrims, which not being done, they voted this money as an equivalent. (viii) £1950 voted in acknowledgment of the great care he had had in promoting tranquility *etc.* (ix) £3900, as a gratefull acknowledgment for his expences in the administration of Government. (x) £1950. We have not seen any Minutes in relation thereto *etc.* *As to expenses, refer to exorbitant price of all fresh provisions in that Island.* The votes were made unanimously, agreed to by the Council, and entered in the Minutes. There has been no endeavour at concealment. The money is not so much in proportion as that received by the Governor's predecessors, without any complaints being made against them, so that wee may reasonably conclude, that this present complaint is exhibited more out of malice, partiality and party, than from a sense of any injury, done to either the Island or private persons. Wee believe that some of the Gentlemen, that did attend Mr. Cox's complaint, were Members of the Assembly in Mr. Sharpe's time (who was sent to succeed Mr. Lowther, by the late Lord Bolingbroke, and that Ministry), we say, that very Assembly, gave much more money in tenn months, than was ever given to any Governor in the time *etc.* We cannot doubt, but that your Lordships will give the Governor an oppurtunity of justifying himself. *Signed, Geo. Bampfild, Alexr. Stevenson. Endorsed, Reed. Read 3rd Feb. 17 $\frac{1}{2}$ .* 6 $\frac{3}{4}$  pp. *Enclosed,*

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543. i. Deposition of Henry Lascelles, Collector of Customs, Barbados. 3rd Feb. 1719. No such Spanish sloop as is described by Mr. Cox entered or cleared in the Custom-House, Barbados, *etc.* Signed, Henry Lascelles.  $\frac{3}{4}$  p. [C.O. 28, 15. Nos. 66, 66 i.; and (without enclosure) 29, 14. pp. 43-52.]

Feb. 3. 544. Mr. Popple to Thomas Trion. The Council of Trade and Plantations desire to speak with the complainants against Mr. Lowther, in order to know if they have any further proof *etc.* [C.O. 29, 14. p. 53.]  
Whitehall.

Feb. 3. 545. Mr. Buck and the Co-partners for settling the Bahama Islands to the Council of Trade and Plantations. *Reply to* account of Jan. 21st. No. 1. *Narrate* steps taken by them to resettle the Islands, and *repeat* account of inhabitants of Providence *etc.* *Continue*:—We were no sooner assured that the Proprietors had surrendered the Government, and that resolutions were taken to send thither a garrison, but we sent to several places in America to invite planters and merchants to settle there, and for their encouragement, to supply them with all necessarys. We fitted out four shippes with proper cargoes to purchase negros, live cattle, timber, and lumber for building of houses, aliso with clothes and tools for cutting wood and clearing the land, and gave three years credit for the same to such planters as should come to settle. We also hired and sent severall handicrafts with proper tools for clearing the lands and building of houses, and were at the charge of transporting the Independt. Company, and severall families to the number of 200. Our agents dying soon after their arrivall, the Governor took upon him to seize the said shippes to make guard shippes, and to dispose of their cargoes for building forts *etc.* as 31st Oct., 1718. The old inhabitants have generally been pirates, are neither honest nor industrious, working does not agree with them, and they may want necessarys *etc.*

The inhabitants of Eluthera and Harbour Island, being generally industrious, have plenty of all the necessarys of life, having great stores of Indian corn, yams, potatoes and cassada roots growing there *etc.* as 31st Oct. 1718, May 29, 1719 *etc.*

*Urge* the Government to send a few large iron cannon and 250 men to strengthen the garrison. *Continue*: There must be one great error in the report that says the inhabitants are already decreased to less than 200, for in a letter of a very late date the Governour advises that he was going to send 300 men belonging to that Island upon an expedition under Capt. Hildersley, H.M.S. *Flamborough*, besides there are 7 or 8 privateers out a cruizing upon the Spaniards with the Governour's commission, and we are well assured that many of the Switz, French and Pallatines we sent over are still living.

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It was never our design to ingross the trade of these islands *etc.* To encourage merchants to trade thither we have not laid any duties, nor demanded any anchorage or other fees. And we have sent but one ship from England since the Governour seized our effects soon after his arrivall *etc.* We have been at vast expence, and very great risque in beginning the settlement, and maintaining the people we sent there *etc.* the great end at first proposed which was clearing those Islands and seas of pirates is now answer'd, and those pirates forced to fly to Africa for shelter. Since the pirates have been dispersed, the Harbour of Providencce has never been without ten or twelve trading vessells belonging to other Collonies, sometimes 20 or 30 at a time. We hope the Crown will both assist and protect the settlement, if the Co-partners keep their rights, who would not so generously have advanced their money for the publick good, if they had not relyed on the Government for protection *etc.* As to the objection of alterations and innovations :—The Co-partners have for incouragement of planters reduced the quitt rent from three pence to one penny sterling per acre, and have only obliged them to clear and cultivate at least one half of their lands in three years. And for the better peopling the Island were desirous not to allow more then 25 acres to any one person nor too great a tract of land to any one family. As to the suggestion that no provision is made for a Minister or Chief Justice out of the royalties, the Co-partners have not received £20 out of all the royalties. They did send out a French minister with the French *etc.*, and agreed to carry over an English Minister, who when the shippes were ready refused to go. Application has been made to the Bishop of London and the Society for Propagation of the Gospell for another *etc.* We are informed that H.M. has appointed Christo. Gale Chief Justice *etc.* We do agree that the Bahama Islands are of too great importance to be left with a slender garrison in the hands either of Proprietors or Leasees, and deserve the immediate care of the Crown, to whom we are willing to surrender our lease and title upon being reimbursed our charges, to prevent so useful a place falling again into the hands of either Spaniards, French, or pirates, and should be glad that any advantages of trade might be allowed by making it a free port. Our agents have never demanded any customs, fees or dutys. Curraseau, Jamaica and St. Thomas are very far from being free ports, as suggested, *etc.* Signed, Sam. Buck. Endorsed, Reed. 3rd. Read 4th Feb., 17<sup>12</sup>. 5 pp. [C.O. 23, 1. No. 21.]

Feb. 4. **547.** Mr. Solicitor General to Mr. Popple. *Reply to* 2nd Feb. I think it plain that by the first clause in the Act of Navigation, 12 of Charles II, the Spanish ships *referred to* are prohibited to be imported into our Colonys or Plantations under the penalty of the loss of their ships and goods also they are



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prohibited to export goods from thence in shipping not English *etc.* *Signed*, Wm. Thomson. *Endorsed*, Recd. 4th. Read 5th Feb. 17 $\frac{1}{2}$ .  $\frac{1}{2}$  p. [C.O. 28, 15. No. 68 ; and 29, 14. p. 56].

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**548.** Thomas Bernard, a Councillor of Jamaica, to John Chetwynd (a Commissioner for Trade and Plantations). *Acknowledges* letter. *Continues* : The approbation you give of the Council emboldens me to trouble you a second time. All hopes of the last Assembly proving vain, the Governor was persuaded to dissolve them, and some time being allowd them to cool, a new was convened 20th Oct. In the elections the same practices were used by the same persons to get those elected who had been most furious in their opposition to the King's authority, and most disposed to revive the former personal differences ; but not altogether with the same success. After more than a month's sitting, and a months adjournment upon their second meeting they pass'd four mony bills, the *Additional Duty* and *Deficiency*, both liable to all the same objections, and contrary to the same Instructions with those of last year, a third *to revive some former mony bills*, and lastly, a bill appropriating the sums rais'd by the other Acts, which was postpon'd to the last, till their demands were complyd with, and in it they have inserted some of the most unreasonable, and made them a necessary condition of supporting the Government. Among others, there were two extraordinary clauses one, to prevent any of the mony given as a supply to H.M. Revenue, from being applied to the discharging any orders, against which the Assembly had addressed. And the other, to empower the Receiver General to pay the Attorney General, the new Speaker, certain fees, without passing through the usual forms of the Government, of an order from the Governor and Council, and cited at the Board. The first was levell'd at Lord A. Hamilton, Mr. Stewart and Coll. Howard, who had both been commanders of the Fort at Port Royal, agt. whose orders the Assembly in the beginning of Mr. Heywood's Government, had address'd and promis'd to shew the reasons, wch. they neglecting to do in that and the succeeding sessions, Mr. Stewart was reviv'd by Mr. Heywood and his Council, a little time before he left the Government, and Col. Howard's by the present Governor, but for want of mony have not been paid. This, Sir, is a new encroachment in depriving the Governor and Council of the ordering and issuing H.M. Revenue vested in them by his patent and instructions, and that without any representation or complaint made ; and the hardship is the greater that the pay of the Lt. gunners and matrosses of the Fort who cou'd never have offended them, is included in one of them. Lord A. Hamilton's are orders upon that mony, which was taken out of Mr. Major's hands, which his Lordship advan'd out of his own pocket, and were disallow'd in Mr. Knight the Receiver

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General's accounts, and must be added to the sum already due to his Lordp., and the then Council, for subsisting the soldiers ; which tho' so often determin'd by H.M. to be a just debt, they have this Sessions again refused to pay. The Attorney General opposing it with all imaginable bitterness, and saying upon that occasion, that King James had been fore'd to abdicate for less crimes ; it is not at all surprizing, a person of his religion shou'd think the introducing of Popery a trivial fault. The other, is an ineroachmt. of the same nature, occasion'd by some regulations the Council had made upon his fees now swelled to a very great sum, too burthensome for the Revenue to bear, already short of it's annual charge, and which they thought, ought more properly to be charged upon the sevl. parties, and it has the worse aspect, since the Speaker himself is the King's Attorney, whose duty it is to oppose such ineroachments, tho' the first to promote them ; when they take upon them to pay officers, it is easy to foresee, where the dependence must be, and instead of the King's, in time they will become the Assembly's Officers. To these bills the Council gave their assent much against their inclinations ; But the last allarm had made us so sensible of the weak condition of the Island and the risque we should run in case of a real attempt, that we hope, we are in no present danger of any, to be found with an empty Treasury and a bankrupt credit ; that notwithstanding the Assembly persist in their obstinacy at all hazards, we choose to give way to the necessity of the times, and leave the supporting the King's Instructions to the King's Ministers, who had the framing of them, and who have sufficient power to do it, had they sufficient leisure for such remote considerations ; and the visible want of that encourages these men in their insolence. Indeed Sir the strife is grown too unequal between a very few gentlemen of H.M. Council on the one side, and the Gvr. and Assembly on the other. Perhaps we might have attempted some amendments had not the Govr. in his Speech precluded us, as I formerly told you, by declaring that we had no right to amend either in the raising or applying parts, and if we have no right to amend in those parts, we have in effect no right at all. Had these bills miscarried by such an attempt, he wou'd not have fail'd to throw the whole odium upon us. If Govrs. Sr. are sufferd to prevaricate with and explain away their Instructions, so contrary to the plain word and meaning ; I know not to what purpose it is to give any. When the Lords Commissioners take his Speech into consideration, I hope they will assert the Instructions, and do the Council justice in that point. This favorite bill was the solliciting bill, this the Council rejected ; and because they had not enter'd their reasons, weh. seem'd unnecessary, when so many appear'd already in former Journals ; The Governor treated them in a harsh unbecoming manner, not consistent with the freedom

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of a Council of State, and much less as they were acting as a Legislative Body in a distinct capacity from the Govr., of which sort of treatment he himself and the rest of the then Council had made heavy complaints against the Earl of Inchiquin, in a letter subscribed by him to the Lords of Trade, wherein they say that instead of faithful Counsellors, they were obliged to be either mutes or flatterers. The reasons for rejecting it were, their assuming the sole nomination of the Agent to themselves, and in effect the whole management of the affairs of the Island, being five to two. Tho' there were some heads to solicit upon, as the passing of Laws, and the cession of Campeachy (which last I recommended last year, to some friends, as a receptacle for the loose disorderly sailors, and the most likely thing to divert them from their piratical courses) yet they were left at large to solicit whatever else they thought fit, without being obliged to communicate to the Govr. in the intervals of Assembly. This we thought too dangerous a power to lodge in such a set of men, the principal of which, Mr. Kelley, was notoriously an Irish papist, and a countenance and encourager here, of all persons of the same nation and religion, one whom the Govr. has said was vehemently suspected of being with the Pretender, and listing men for his service, one who, when intrusted with the management of the private subscription money, did not stick at the base methods of subornation and perjury to ruin Ld. A. Hamilton; and the rest, men of no principles, and all remarkable for their constant opposition to the King's authority; and it is plain from the frame of their present bills, that the laws they design'd to solicit for, are such as are flatly contradictory to the King's Instructions, and derogatory to his authority. What hopes the Govr. had form'd from this Bill, is past my skill to find out; But it is easy to see their view in it, was to carry on their designs under the countenance of publick authority, and by the help of that and their private subscriptions, they flatter themselves to bring about whatever they shall please to attempt, and in this they have been too much encouraged by their former success. To me there seems little need of it, since we have always found a readiness in the Lords Commrs. of Trade to recommend such laws for H.M. approbation as were really for the interest of the island, and conceived in modest and dutiful terms. If any Office fees are to be paid, those may be easily advanced by the Govr. to be repaid out of the publick Treasury. But should it be thought necessary, I humbly offer that both the person and salary should be appointed by H. M.; without that, to pass it in its present form, and at the present juncture, is to put a sword into the hands of cutthroats and madmen. There were besides, a bill or two, of no great moment, past, and one, *for the relief of such as had suffer'd from piracies committed by H.M. subjects*, intended principally for the service of

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Mons. Bonfils and some other Frenchmen. *Refers to this case, v. supra. Continues*:—While this Bill was depending, the Assembly were guilty of a great folly and presumption in admitting and reading in their House, letters from the French Govr. and Intendant at Hispaniola directed à Messieurs L'Illistre and Souvereine Assemblée de la Jamaïque. Notwithstanding it was very general and of an unusual nature, invalidating in great part the King's pardon by subjecting every man's estate (restor'd by that pardon) who had ever been concern'd either in the piracies or in receiving any of the goods, to make satisfaction; And that the Council apprehended it might be made a bad use of, and produce some ill effect; yet being to desirous to goe as far as possible for the relief of the unhappy old Frenchman, they therefore past it with a clause to suspend the execution of it till H.M. pleasure shou'd be known, as the Govrs. 16th Instruction directs. But the Assembly have always refus'd to submit to it, tho' the most just and reasonable that ever was fram'd, and so it dropt. They were then adjourn'd till June; It was only an adjournment to give leave to a Committee to sit to inspect their Laws, now near expiring, and report what Laws of England are proper to be declar'd in force here. When they come to consider it, they will be sensible of the difficulty of the undertaking, and I doubt not, no man has either leisure or capacity equal to such a task; since I perceive, the Governor has writ to the Lds. Commissrs. upon that head, I will beg leave to offer my thoughts. All pleas of the Crown, all criminal causes, all causes relating to King's Peace, have always in this Island been heard, tried and adjudg'd according to the Laws of England; And likewise all Civil causes, all Common Pleas (except in some very few points, in which the Laws of this Island have made provision) have been determin'd according to the same Laws, tho' often for want of knowledge both in the Bench and Bar, those Laws are wretchedly misconstrued and perverted. If upon the re-enacting of our own Laws; H.M. wou'd be graciously pleas'd to allow us some of the latter Statutes, wch. have been doubted, as particularly the Habeas Corpus Act, and the Statute of Frauds, and likewise that all causes as well criminal as civil hereafter to arise, shall be heard, tried and adjudg'd according to the Laws of England, as they have been us'd in the Island; it is all we can expect or desire; and at the same time I propose, that this shou'd be granted upon express condition of making H.M. Revenue equal to the annual charge, and of subjecting their lands or at least the produce of them to ye payment of debts, the want of wch. is both a discredit to the Isld., and a discouragemt. to trade. But while our Assemblys shew such disregard to the King's Instructions, while they assume greater powers and priviledges than were ever exercis'd. by a House of Commons, and wch. I suspect they

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wou'd have understood by the Laws of England; and while they continue to talk in the stile of the Governor's letter, that they insist upon such matters, I very much fear these are favours we are never like to obtain. *Signed*, Tho. Bernard. *Endorsed*, Reed. 10th May. Read 2nd Nov., 1720. 11 $\frac{3}{4}$  pp. [C.O. 137, 13. No. 41.]

Feb. 5.  
Whitehall.

**549.** Mr. Popple to Mr. Attorney General. The Lords Commissioners of Trade desire your opinion whether by enclosed clause in their Commission, they are sufficiently impowered to administer an oath upon examinations that may come before them. *Mem.* a like lre. was writ to Mr. Sollr. Genl. and Mr. West. [C.O. 389, 37. p. 171.]

Feb. 5.  
Whitehall.

**550.** Mr. Popple to Dudley Woodbridge. The Council of Trade and Plantations desire an accot. in writing whether a Spanish sloop did in Dec. 1718 unload at Barbados, and how long she stayed *etc.* [C.O. 29, 14. p. 58.]

Feb. 6.

**551** Mr. Woodbridge to Mr. Popple. *Reply to preceding.* The *Mary* sloop commanded by Dn. Pablo Planes, a Spaniard, owned by the Spanish Secretary of Cumana (a town on the Spanish coast to leward of Barbados) and man'd with Spanish sailors, did arrive in Barbados, on 18th Dec. *etc.* The master sold his cargo *etc.*, and told me he was directed to enter and clear at the Secretary's Office but at none of the rest *etc.* *Signed*, Dudley Woodbridge. *Endorsed*, Reed. Read 9th Feb., 17 $\frac{1}{2}$ . 3 pp. [C.O. 28, 15. No. 71.]

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**552.** Mr. Solicitor General. *Reply to Feb. 5.* I am of opinion that the clause in the Commission which is under the Great Seal does impower the Commissioners or any three of them to administer an oath to witnesses who shall come before them to be examined touching any matters mentioned in the Commission to which that power does relate. *Signed*, Wm. Thomson. *Endorsed*, Reed. 6th, Read 9th Feb., 17 $\frac{1}{2}$ .  $\frac{1}{2}$  p. [C.O. 388, 77. No. 72; and 389, 37. pp. 171, 172.]

Feb 7.  
(? N.S.)  
Moon Castle,  
Havana.

**553.** Richard Farrill and Waiger Nicholson, prisoners at Havanna, to [the Governor of the Bahama Islands]. Since ours of 3rd inst. hath arrived Capt. Lagee who lately cruized off of Carolina and Florida and brought with him about 22 English prisoners. The officers have been very curious to informe themselves by him of the strength of yor. Governmt. and Carolina and he doth represent them so very defenceless that its already currently talked their armamnt. will attack one of them in case the news from Pensicola does not encourage further progress for that place of which they are momently expecting notice by the sloop we advised they had sent for that purpose *etc.*

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As their ships are now all in a readiness so very little time will be required before they may go under saile to prosecute their resolutions and shod. it be for any of the English Dominions no doubt but that so soon as 'tis resolved on all our Englishmen will be confin'd so that we have not the opportunity to acquaint you. We therefore think it our duty to add these their new agitations for yor. precaution and pray you'll likewise please to informe the Govr. of Carolina *etc.* Wee are not without hopes that the escape of this bearer will be as effectually to terrify them as was Mr. Walker's last yeare *etc.* We are told they won't be able to make above 1200 in all so that they won't spare above 100 to execute the function since many of the ships won't enter yor. harbour and those that do pray God avert their success, *etc.* *Feb. 19th.* The badness of the weather detained the foregoing *etc.* Yesterday arrived the expected sloop from Pansicola wth. notice that the French have burned their houses and are retired to Mobile and that all their great ships are gone for Europe. Whereupon instead of proceeding with the aforesd. armant. for to take sd. place wee are informed they despise the attempt as being able to take it [*?at*] pleasure without resistance and therefore have listned to the aforesaid suggestions of Capt. Lagee and have accordingly determined to attack both yor. Government and Carolina. But know not which will be attempted first. The force they will be able to sett out with all will be :—The ship *Prince* 50 guns, *Hereules* 40, *St. Joseph* 36, 2 *Barlovinto* ships 14 and 24, the *Herbert* pink 18, *St. Christo.* 16. 5 or 6 sloops from 4 to 8 guns. The whole complement. of men may be 1200 the most unexperienced raw fellows. They give out that they expect an invasion from Carolina for St. Augustine which they shall only goe to intercept at the mouth of said Harbour but this is only to colour their other designe as we beleive. We pray yor. Excelleney to forward the enlosed for his Honour the Govr. of Carolina by all possible expedition here having been this day published a proclamacon for all these vessells to be under sail 3 days *etc.* *Signed,* Richd. Farrill, Waigr. Nicholson. *Endorsed,* Reed. (from Mr. Boon) 3rd May. Read 7th July, 1720. *Copy.* 2 pp. [*C.O.* 5, 1265. *No.* 150.]

Feb. 8. **554.** Mr. Secretary Craggs to the Governor of Barbados. Whitehall. Mr. John Pyott, jr., and Dr. Samuel Swinfern having mony due to them in right of their wives, daughters of Mr. Fretwell, you are to assist their agents John Frier and Charles Rider to obtain justice in this affair *etc.* *Signed,* J. Craggs. [*C.O.* 324, 33. pp. 264, 265.]

Feb. 11. **555.** (a) Extract from K. Charles II's Grant of New Jersey *etc.* to the Duke of York, 12th March, 1664.

(b) Extract from K. Charles II's Charter for Pensilvania to William Penn, 4th March, 1680.

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(c) Query, Whither some small Islands lying in the River Delaware between New Jersey and Pensilvania are included in either of the two above extracts, and if not, whither the right of disposing thereof is not in H.M. ?

(d) Mr. West's reply to preceding. I am of opinion that the Islands scituate in the River of Delaware are not comprehended within the expresse terms of either of these two grants and that therefore the Crown may dispose of them. *Signed*, Richd. West. *Endorsed*, Reed. 10th March, 17 $\frac{1}{2}$ °. Read 19th May, 1721. 2 $\frac{3}{4}$  pp. [C.O. 5, 971. No. 89.]

Feb. 12. **556.** Deposition of John Randall, apprentice to Dudley Woodbridge. *Confirms* No. 551. *Signed*, Jno. Randall. *Endorsed*, Reed. 12th, Read 16th Feb., 17 $\frac{1}{2}$ °. 1 $\frac{3}{4}$  pp. [C.O. 28, 15. No. 73.]

Feb. 12. **557.** Mr. Popple to George Newport, merchant. An affidavit having been lodg'd here this day in relation to Mr. Lowther's trading to the French Islands in which trade you are named to have been interess'd, the Council of Trade and Plantations desire to speak with you *etc.* [C.O. 29, 14. pp. 57, 58.]

Feb. 12. **558.** Deposition of William Gordon of the Island of Barbados, Clerc. In 1713 deponent with George Newport, then of Barbados but now of London mercht., and Othniel Haggat did purchase a cargo of negroes and flower to be sent to the French Islands from Barbados wherein deponent was interested one half, and Newport and Haggat one fourth each. The latter agreed with Governour Lowther that deponent should hold but one fourth, and that the Governor should have the other fourth in the name of Newport. In consideration thereof, the Governour undertook to protect, or screen from seizure any European goods that should be imported as returns from the French Islands, and to favour the sd. adventure so far as to make the quarter part as profitable to deponent as the half would otherwise have been. Deponent acquiesced and accordingly, when a few weeks afterwards ten hogsheads of claret, part of 40 imported directly from Martinique as returns for the sd. cargo, were seized by John Sharpe, Searcher, the Governour did, by his warrant, command the sd. wines from Sharpe, and they were soon afterwards redelivered to Newport or deponent, and one quarter of the nett proceeds of the adventure accounted for to Newport in trust for the Governour. There were other adventures to the French Islands to about the value of £3000 in negroes and other merchandize. About 30 of the said negroes were refuse negroes from the Governour's plantation, with his own coat of arms burnt on their breasts, which deponent was forc't to receive as part of one of the adventures, and to allow a very exorbitant price for, rather than disoblige the Governour.

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Of the returns made for all the cargoes, there was above £2000 in French brandy, claret, silks, soap and other European commodities imported directly from the French Islands and sold in Barbados, and one quarter of all the nett proceeds accounted for *as above* and paid by Newport to the Governour, as he has frequently assured deponent, and as the Governour about three years agoe own'd to deponent at the marriage of John Lenoir, at the same time complaining that notwithstanding the great risque he had run, he had been a looser by the sd. trade, as he was assured deponent, and everybody except George Newport, had been. Deponent has several times seen in the Treasurer's Office, and in the hands of Joseph Young, the Deputy Treasurer, several orders drawn by the Governour upon the Treasurer, payable to himself with exchange for 25, 30 and 35 p.c., amounting to £10,000, at 5 or 10 p.c. above the current rate of exchange. When deponent pointed out to Young that exchange had never been known so high as 35 p.c. since Lowther's coming to the Government, and asked how the Committee of Publick Accounts could allow such extortion, Young reply'd, Damn 'em, they dare not dispute it *etc.* *Signed*, W. Gordon, *Endorsed*, Reed. Read 12th Feb., 17 $\frac{1}{2}$ <sup>o</sup>. 2 $\frac{3}{4}$  pp. [C.O. 28, 15. No. 72.]

[Feb.13.] **559.** Major Bellenden to the Council of Trade and Plantations. Several of Col. Moody's houses at Placentia were taken up in Oct. last for work upon the Fort there *etc.* *Signed*, Robt. Bellenden. *Endorsed*, Reed. Read 13th Feb., 17 $\frac{1}{2}$ <sup>o</sup>. 1 p. [C.O. 194, 6. No. 75.]

Feb. 15. **560.** Mr. Carkesse to Mr. Popple. Collo. Rhett, Surveyor and Comptroller of the Customs in Carolina having sent the Commissrs. an accot. that the people of that Province have deposed their Governour and set up another, I am directed to send you a copy of the letter date 21st Dec. last *etc.* *Signed*, Cha. Carkesse. *Endorsed*, Reed. 15th, Read 16th Feb., 17 $\frac{1}{2}$ <sup>o</sup>. *Addressed*.  $\frac{1}{2}$  p. *No enclosure*. [C.O. 5, 1265. No. 141.]

Feb. 16. **561.** Governor Hamilton to Mr. Popple. *Acknowledges letter of 29th Sept.*, which came to my hand at Nevis, where I immediately after communicated to the Council and Assembly what their Lordships commanded in relation to the hostages at Martinique, and to let their Lordships know what the Island has contributed towards the maintenance of them *etc.* A Committee of both Houses is appointed to draw up an answer to the Memorial of M. D' Iberville *etc.* I am now upon visitting the other Islands *etc.*, and shall pay a due obedience to every part of your letter *etc.* I arrived here on the 20th Dec. last, the same day I had an account sent me from St. Christophers, that a Spanish privateer had that night taken an English sloop at the Salt ponds of that Island, and afterwards went to the



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Road of Basseterre, and there cut out an English ship commanded by one Mr. John Moulton ; which ship was laden with sugar, and almost ready to sail for Brittain, as soon as I had notice of this, I sent the man of war in quest of them, but she is so dull a sailer that if she had met with any of them, could hardly have come up with them, and is but of little service, besides that she is a meer bauble, when it blows but any thing hard, is not able to carry out above four or six of her guns ; so that if she should meet with anything of strength, it would expose the Captain (who I think to be a good and diligent Officer) and loose the King a ship ; this I have formerly represented, but the same ship is still continued upon the Station, and has now been here near three years. I hear since that the Master of the forementioned sloop rose two days after he was taken, upon the Spaniards, recovered his sloop, and is arrived with her at St. Christopher's ; that the ship was retaken by a New York privateer and sent to that port, and the same Spanish privateer was since cast away upon the Island of Barbuda, the Captain whereof and his men are now in prison at Antigua, and as there is no chartell settled betwixt H.M. subjects and those of the Crown of Spain and that I have no directions to settle any, or in what manner, besides that the Spaniards (especially in these parts) are a most treacherous people ; for these reasons, I have ordered the Lieutenant Governor of Antigua, as opportunities offer from that Island, to send them for Great Brittain, signifying to the Right Honourable Mr. Secretary Craggs in which vessell he sends them and the number : which conduct of mine I hope will be approved of. We have of late heard of several pirates that rove in these seas, particularly one of about thirty guns that had been for a considerable time upon the coast of Guinea where she had done a great deal of damage, afterwards took a Portuguese ship upon the coast of Brazile, which he brought to the Island of Cayon a French Island lying off of Surinam ; and there plundered her of a vast booty, most in moidores, not valuing the rest of the cargo (which consisted of sugar, tobacco, and Brazile plank) would have set the ship on fire but meeting with a Rhode Island sloop, which they took and fitted out for their use, they gave the Portugueze ship to the master of the Rhode Island sloop, who with the Portugueze that were left on board, brought her into Antigua where I have ordered a merchant to take care of her, and what was remaining on board for the use of the owner, or owners. There are now five white men and one black in the goal of this Island, that were of the crew of that ship, which were put ashoar out of her at the Island of Anguilla, which pretend all to have been forced ; I have sent to the Lieutenant Governor of Antigua to enquire of the Master of the Rhode Island sloop, his men, or the Portugueze, whether they know any of these persons to have been active amongst the pirates, in order that if any of them have been

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guilty of the piracy they stand suspected off, they may be proceeded against *etc.* I had last Sunday morning an account given me by Major Richard Holmes of Col. Richard Lucas's Regiment and one Mr. Thomas Ottley that as they were on their voyage to the Island of St. Eustatius and St. Thomas (whither they were bound, the first to look for some deserters that had run away *etc.*) they were informed that a pirate ship lay under the Island of St. Thomas, that most of the men were on shoar, they went to said ship and found her at an anchor, and was equipped in a warlike manner, and several pirate colours on board, and not being able to bring her up to any of the Islands (inhabited) of my Government they carried her to the Island of Santa Cruis or Sancta Croix, where they left her under the care of an Officer of the Regiment and some men, till the Major could inform me of the premises; whereupon I ordered Capt. John Rose Commander of H.M.S. *Seaford* forthwith to get ready to go down, to take the said ship under his care, and bring her up to this H.M. Island, or the Island where at his return he shall hear I then am, and to see that no embezzlement be made; who sailed yesterday with the Major on board *etc.* I have desired the Major to make a particuar enquiry as to the conduct of the Danish Governor upon this occasion, for it has been of a long standing, and it's now to be too much suspected that the Danes give too much encouragement and countenance, nay even publick protection to that vermine, which makes our land and sea men so frequently desert, that being their place of refuge. *Signed*, W. Hamilton. *Endorsed*, Reed. 25th April, 1720. Read 27th June, 1721.  $3\frac{1}{2}$  pp. *with abstract*. [C.O. 152, 13. ff. 62, 63, 64, 65, 66, 66v.]

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Feb. 16.  
Crutehed  
Fryars.

**562.** George Newport to the Council of Trade and Plantations. *Reply to 12th Feb.* As to myself (the accusation being off an illegal nature) I hope your Lordships will excuse me from makeing any answer. As for Mr Lowther, he never concern'd himself in any clandestine trade with me and I doe belive with no other. If I was, I should indeed blush to own what that pious divine sticks not to sware, out off malice and envy to a good Governour *etc.* *Asks for copy of Gordon's affidavit*, if a further answer is required. *Signed*, G. Newport. *Endorsed*, Reed. Read 16th Feb., 17 $\frac{1}{2}$ . 2 pp. [C.O. 28, 15. No. 74.]

Feb 16.

**563.** Henry Lascelles to the Council of Trade and Plantations. Describes his sale of the "piraiticall slaves" brought in by the *Charlotte*. "I never understood that they belonged to any particular person" *etc. etc.* v. 13th Jan.. *Signed*, Hen. Lascelles. *Endorsed*, Reed. Read 16th Feb., 17 $\frac{1}{2}$ .  $1\frac{1}{2}$  pp. *Enelosed*,  
563. i. Account of sale of negroes brought into Barbados by the ship *Charlotte*. Branson Oulson (Hoalson) Commander. Sept. 11, 1719. *Signed*, Hen. Lascelles. 2 pp. [C.O. 28, 15. Nos. 75, 75. i.]

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Feb. 17.  
Boston,  
N. England.

**564.** Governor Shute to Mr. Popple. *Encloses* following to be laid before the Board. *Continues*:—I cannot get the queries relating to New Hampshire well answered until I go to that Province which will not be till the latter end of April, by which time I believe the map of the Province will be finished, so that I shall be able to send the queries answered with the map of New Hampshire by the first ship that shall sail in May. The 73rd Article of my Instructions (*quoted*) has been notified to all the Printers, yet Nathaniel Boone has not only printed a book without licence but has even ventured to print what I have absolutely forbidden; upon which I summonsed the Council and acquainted them with H.M. Instructions, who told me they could not find out any method to punish the printer because there was no law against it. I afterwards applyed myself to the King's Attorney General who advised me to acquaint the Lords of Trade and Plantations with this breach of H.M. Orders and to get further directions from them in this matter. I desire you will let me have a line in answer as soon as possible to assure me that this letter came safe to you. *Signed*, Saml. Shute. *Endorsed*, Reed. 19th April. Read 3rd Aug. 1720. 2 pp. *Enclosed*,

**564. i.** Governor Shute's Answers to Queries relating to the Massachusetts Bay (*v.* 4th June, 1719). (i) Inhabitants, 94,000. Militia, 15,611. Besides which there are of the Indian natives who are civilized, and make some profession of the Christian religion, and dwell in several parts of the Province in perfect friendship with the English improving their own lands etc. to the number of 1,200, men, women, and children. Slaves, negros or Indians (but most negros) about 2000. Within this three years last past there have come from Ireland a considerable number of familys and persons to settle the Eastern parts of this Province, and elsewhere to the number probably of 5 or 600 men, women and children. White servants imported and sold June 29, 1717-1718, 113 males, 13 females; negro slaves, 37 males, 16 females (*details given*). No great difference for 7 years last past. At the entrance of the Harbour of the Town of Boston there is Castle William, a regular fortification and in good condition, 80 great guns mounted, a Captain with other officers and a company of 30 men. There are also in the town two small batterys, but of no use, wholly out of repair. At Salem and Marblehead there are two small forts both gone to ruine and not supported in a time of peace. In the County of York there's a small stone fort at Brunswick with 15 men and an officer, a pretty good defence against the Indians. At Winter harbour, a small fort in a poor condition with ten men and an

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officer. (ii) In the neighbourhood of this Province to the North East or towards Nova Scotia there are two tribes of Indians, the Kennibeeck Indians, 100 fighting men, who live chiefly at Neridgiawaek within a sort of fort made of wood and is a small chappell and a Jesuit. There are two or three other settlements of Indians that may make out in all 50 fighting men at Pennieook Amarasgogin and Pegwoke. One other tribe called Penobscot Indians lying up the River of that name 150 fighting men, both tribes too much inclined to the French interest thro' the influence of the Jesuits who have allways one among them, and during the late warrs they have been bloody enemys to the English; at present they are pretty quiet; but there is no depending on them. To the westward near Albany there are several nations or great tribes of Indians that are in alliance and friendship with the English Government of New Yorke, but are so far distant, that we have scarce anything to do with them. Northwest and towards Canada there are some tribes of Indians, but their situation is so near the French settlements that we call them the French Indians and they are perfectly under their Government, and at 3 or 400 miles distance from us; their numbers not very great. (iii) *Describes Quebec and Montreal as elsewhere. Continues*:—From Canada it is that in a time of warr, the French influence and actually imploy their Indians to annoy and destroy the English settlements both of this Province and Connecticut and sometimes New York. This Province have had two fair towns destroyed in two years successively in the last warr by a party of 200 Indians headed by French Officers from Canada. And it is difficult, considering the vastness of the frontiers to know how to prevent such incursions in a time of war, unless the two Crowns should agree never to imploy the Indians on either side against each other even in case of a warr. As to Cape Breton *refers to Governor Phillips etc. Continues*:—They have yet no regular fortification. But in case of a war between the two Crowns the French would certainly be very troublesome to all the English Plantations. It is generally thought that it might be of service to H.M. and a security of the trade of his subjects if there were a small fort built at the Isle of Canso, and another between that and Annapolis Royal *etc.* It hath been of the last mischief to H.M. Government and people of these countreys to suffer the French Jesuits to reside among the Indians that are under the English protection and particularly at

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Kennebec and Penobscut both of which are within H.M. territory. This is what I have had the honour to represent once and again to your Lordships. (iv) The trade of the Province has been of late years under great discouragements occasioned as is judged by the most thinking people chiefly by the want of silver and gold for a medium of trade in lieu whereof the Government have made and issued out £200,000 in bills of credit. The fishery of this Province (which indeed is the best and chief article of their trade) is much increased since the cession of Nova Scotia. *Refers to Governor Phillips. Continues:* (v) To prevent illegal trade I do my utmost indeavours to put the laws now in force relating to the trade of the Plantations in execution; and also take all imaginable care that the King's officers may be protected in doing their duty. And I am also of opinion farther to prevent illegal trade, if two fishing shallops were employed, under the inspection of the Surveyor General or principal officer in each port (the charge of building which would be about £300 sterl.) to be manned and victualled by the station ship as there may be occasion and a Custom House officer on board, would be of great service. But if this is not thought practicable the appointing more waiters in each port as four at least in this port (whereas there is but two) which I believe might answer the end and very much prevent the running of counterband goods. (vi) According to the best inquiry and information I find belonging to the Massachusetts Province and mostly built in it nearest 190 sail of ships and other vessels being in all nearest 8000 tunns and navigated with about 1100 men. Besides about 150 boats with 600 men employed in the fishery. (vii) As to manufactures, the inhabitants in some parts of the Province work up their own wool and flax and make an ordinary course cloath for their own use without exporting any. But the greatest part both of woollen and linnen cloathing that is wore in the Province is imported from Great Britain, and sometimes linnen from Ireland; and considering the excessive price of labour the mercht. can afford what is imported cheaper than what is made in the countrey. There are also a few hatters set up their trade in the maritime towns. And the greatest part of the leather used in the country is manufactured among themselves. There has been for many years some ironworks in the Province that have afforded the people iron for some of their necessary occasions.

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But the iron imported from Great Britain is esteemed much the best, and the shipping wholly use that which is imported. And besides the ironworks of the Province are not able to supply as to the common use one twentyth part of what is wanted. (viii) [*The annual produce is about*] £220,000 this country currency, which is about £100,000 sterling according to the present course of exchange. (ix) The trade of the Province is principally to Europe by codd fish to Spain Portugall and the Mediterranean the produce whereof is remitted chiefly to Great Britain either pr. bills of exchange or gold. Great part of the trade of this place is directly to Great Britain by whale oyle, linns, furs, turpentine and other Naval Stores. Trade from hence to any foreign Plantations is inconsiderable, except that to a Dutch Plantation called Suraname which is carried on mostly by exporting small wild horses not fit for service here, nor saleable in our English Plantations, for which is brought back in return chiefly molasses, in which trade may be employed 12 or 15 small vessels. As to the trade we have with Barbados, Antego *etc.* refers to accounts of exports and imports remitted yearly. (x) The French Plantations in our neighbourhood are the Country of Canada and the late settlement at Cape Breton. Canada is a vast tract of land lying on each side the great river of the same name, beginning at the mouth of St. Lawrence extending up to Quebec from thence to Monreal, from thence up to the great Lakes and so to Messasippi River as the French pretend in all which vast country they have not above 1500 effective men and about 5000 souls. They have 30 compas. as they affect to reckon, but I'm very credibly informed they don't make 12 men one company with another. The Government of the country is like other French Governments despotick and mostly military. Mr. Vandreuil the Governour has the character of a very good officer. They have also an Intendant General who manages the civil affairs and is a sort of check upon the Governour. Quebec is the principal town in Canada a handsome well fortyfied town but small *etc.* Their next best settlement is Monreal *etc.* There lives the [*Lieut.*] Governour of Canada Major Ramsey a Scotchman. The trade of Canada consists chiefly of beaver and some other furs which is managed by a Compa. who are supplied by the Indians and French hunters as far almost as Messasippi River and some even from Hudson's Bay; tho' by what I can learn there are but few Indians in those parts it

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being a desert cold country. The value of the furs exported from thence to France annually may be computed at £60,000 sterling; they also export to the French West Indies some flower pease and lumber to the value of about £20,000 sterl. annually. If the furr trade of Canada should fail the country would be but of little worth, for it does not afford English grass, cattle, corn equal to other countreys that lie more southward and hardly any fruit at all. The navigation up that river is very inconsiderable except once a year when the ships comes to Quebec. As to Cape Briton, the French have there a very considerable fishery for these two or three last years having in the season from 60 to 80 sail of ships besides small craft loading with fish *etc.* *Endorsed as letter.* 10½ pp.

564. ii. Copy of Queries No. 216. ii. [C.O. 5, 867. Nos. 66, 66 i, ii.]

Feb. 17. **565.** Mr. Popple to Governor Hunter. The Council of Whitehall. Trade and Plantations have appointed this day sennight to hear Capt. Evans *etc.*, (v. Dec. 14, 1719) at which time they desire the favour of speaking with you also. [C.O. 5, 1124. p. 127; and 5, 1079. No. 113.]

Feb. 17. **566.** Council of Trade and Plantations to Mr. Secretary Whitehall. Craggs. Enclose copy of Mr. Rhett's account, *referred to* 15th Feb., "giving an account that the People of Carolina have deposed their Govr. and Council, together with all the other officers there, both civil and military, and appointed others in their stead. We thought it proper to give you ye earliest notice thereof, that you may lay the same before H.M." [C.O. 5, 1293. p. 231.]

Feb. 18. **567.** *Same to Same.* Enclose copy of letter from "the Whitehall. new pretended Council and Assembly of Carolina" to be laid before H.M. *etc.* [C.O. 5, 1293. p. 232.]

Feb. 18. **568.** Mr. West to the Council of Trade and Plantations. Report upon two parcels of Acts of Antigua. States objections to Acts (i) *Declaring the qualifications of voters.* (ii) *for raising a tax of £5000.* (iii) *for establishing a Court of King's Bench, etc.* (iv) *for laying a powder duty.* (v) *for confirming the title of George Thomas to certain lands.* Has no objection to other Acts named. *Signed, Richd. West. Endorsed, Reed.* 18th Feb., 17½ pp. Read 19th July, 1721. 21½ pp. *Enclosed,*

568. i. Observations upon Mr. West's objections to the Act of Antigua *for establishing a Court of King's Bench and Common Pleas etc.* No signature or date. 3½ pp. [C.O. 152, 13. ff. 262-274v., 275v.]

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Feb. 18. **569.** Mr. West to Mr. Popple. Concerning the Commissioners' powers to administer an oath (v. 5th Feb.). *Enquires* whether the power has ever been exercised *etc.* *Signed*, Richd. West. *Addressed. Endorsed*, Reed. Read 18th Feb., 17 $\frac{1}{2}$ . 1 p. [*C.O.* 388, 77. No. 73; and 389, 37. pp. 172, 173.]

Feb. 19.  
New  
Hampshire.

**570.** Mr. Armstrong to the Council of Trade and Plantations. It would be very much for H.M. service if orders were sent to the Governor of New Hampshire to hold an enquiry as to what time the Surveyor General has spent in the woods, for the preservation of the King's timber *etc.* *Signed*, Rot. Armstrong. *Endorsed*, Reed. 14th April, Read 4th Aug., 1720. 2 pp. [*C.O.* 5, 867. No. 69.]

Feb. 19.  
Whitehall.

**571.** Council of Trade and Plantations to Mr. Secretary Craggs. *Reply to* 13th Jan. Messrs. Sitwell and Chamberlaine have produced letters which leave us no room to doubt of their right to the negroes; But they do allow that two of the slaves dyed before they were exposed to sale; and having discours'd Mr. Lascells he acknowledged that they were seized and sold as effects of pirates; that he had the money in his hands and had charged himself with it in his accounts now lying before the Lords of the Treasury, that he was ready to pay the same whenever their Lordships shall give him an order for that purpose. [*C.O.* 29, 14. pp. 60, 61.]

Feb. 22.

**572.** Thomas Smith to Joseph Boone. A description of Pansecola, Mobile, and the River Mississippi. *Concludes*: The French at the taking of Pansecola had 600 Indians all gun men to assist them there are many people at the bottom of Moble River going to settle neare the mines at the Ellunoise. One of the French garrisons is but 14 leagues from the Spanish garrison. The French not above 20 men in it. The French have also a garrison at Albama of 30 men at most, 3 or 4 small swivel guns in it *etc.* If the mines prove good at the Ellunoise the French in a short time will have the whole Maine *etc.* If the French can have trading goods fit for the Indian trade from Britain they living so convenient to the greatest Nations of the Indians to the Southward will have all those Indians at command which are 15 or 20,000 fighting men all good guns men. I have taken this account [*from Captn. Byrchall and Mr. Owen*], that you may let the Government at home know that if a French warr should happen unless wee that are frontiers are well provided with men and fortifications to oppose so formidable an enemy we may expect the beginning of such a warr to be in the hands of the enemy *etc.* *Signed*, Thos. Smith. *Endorsed*, Reed. from Mr. Boon. Read 23rd Aug. 1720. 2 $\frac{1}{2}$  pp. [*C.O.* 5, 12. ff. 1, 1. v.; and 5, 358. ff. 23, 24, v.]



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Feb. 23.  
Whitehall.

**573.** Mr. Secretary Craggs to the Governor of the Leeward Islands. Anthony Corbiere, heir to his father James, having debts due to him from Peter Soulegre now settled in St. Christophers, you are to procure him speedy justice, he having complained that he has been some years without so much as hearing from said Soulegre, *etc.* *Signed*, J. Craggs. [*C.O.* 324, 33. *pp.* 265, 266].

Feb. 23.

St. James's.

**574.** *Same* to the Council of Trade and Plantations. Refers following for their report. *Signed*, J. Craggs. *Endorsed*, Reed. (from Mr. Joshua Gee) 24th, Read 25th Feb., 17<sup>13</sup><sub>20</sub>. 1 *p.* *Subscribed upon*,

574. i. Petition of George Skellington, Inhabitant of Indian Bay in Newfoundland, to the King. Prays to be confirmed in the enjoyment of houses, stages *etc.* he has made for taking and curing salmon in two or three rivers to the northward of Cape Bonavista, he having improved the same for about 12 years past and cleared lands near 40 miles up the country, *etc.* *The whole*, 1 *p.* [*C.O.* 194, 6. *Nos.* 76, 76. i.]

Feb. 25.

Whitehall.

**575.** Council of Trade and Plantations to Mr. Secretary Craggs. *Reply to* 8th Jan. Of the several complaints against Governor Lowther therein referred to, the complainants have thought fit to confine themselves to two points, (i) his receiving large presents from the Council and Assembly and (ii) his having permitted a Spanish vessel to unload in Barbados. We have made the best enquiry we were able, and do find that several sums amounting to £23,290 money of that Island were voted at different times to be paid to Mr. Lowther. And it dos appear as well by a certificate under the hand of Mr. Cox, Chairman of the Committee of Accounts in Barbados, as by the affidavit of William Gordon, Clergyman, two of the complainants, and by Mr. Lowther's own declaration and letters to the Board, that the sums so voted, or the greatest part of them, were receiv'd by him, or for his use. And altho' he and his Agents have alledged, that these sums are less in proportion than have been given to former Governors, that they were free and voluntary gifts, voted for several services and different occasions, as in the Minutes of the Assembly is more particularly specify'd, and that the money was publicly receiv'd by Mr. Lowther, who had no design to conceal the same, as not believing himself blameable for treading in the steps of his predecessors; yet we are clearly of opinion that Mr. Lowther hath acted herein contrary to H.M. Instructions, whereby it is expressly provided, that he do not receive any presents whatsoever from ye Assembly or other persons, upon pain of H.M. highest displeasure and of being recalled from that Government. As to the complaint concerning an illegal trade, carry'd on by the Spanish vessel (*Mary*

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of Cumana), it appears by the Minutes of Council 19th Dec. 1718, that Pablo Planes master of the ship in question, was upon his landing in that Island, particularly examin'd by the Governor in Council, and acknowledg'd the vessel to be Spanish, mann'd with Spaniards, the loading thereof consisting of a little turtle-shell, four bags of cocoa nuts, two bags of snuff and a small quantity of hides, being the growth and produce of ye Spanish West Indies, which he was directed, by the Governor of Cumana, to barter for provisions; Whereupon Mr. Lowther and the Council came unanimously to ye following resolution, That the Spaniard shou'd be permitted to dispose of his cargoe there. Mr. Lascells, the Collector of the Customs in that Island, hath made affidavit that no such ship did ever enter or clear in the Custom-house there; But we are informed by a letter from Mr. Woodbridge, late Agent for the South Sea Company, that the said Planes did dispose of the said cargoe, and take in another in Barbados, being directed (as Planes told him) to clear there in the Secretary's Office only; and John Randal, Clerk to Mr. Woodbridge, hath made oath, that he saw goods publickly unloading from on board the said ship, and that at the request of one Capt. Clark, he did translate out of English into the Spanish tongue for the use of the said Planes, an invoice of goods bought in Barbados and loaden on board the said vessel for Cumana, consisting chiefly of flower and other eatables, which leaves us no room to doubt that the Spanish vessel did either by express permission or connivance trade in Barbados, which is directly contrary to H.M. Instructions to ye said Mr. Lowther and a plain breach of the Acts of Trade and Navigation. And whereas it is most apparent from what has been offer'd to us, as well upon this, as upon other occasions, that an illegal trade is carry'd on between H.M. Plantations and those of other Nations in America, by which means the French Plantations are greatly supported, and the sale of their commodities encreas'd, whilst our own planters are discouraged, and ye consumption of our native commodities is diminish'd; We are therefore obliged to offer it as our humble opinion upon this head, that the laws of this Kingdom, as far at least, as they relate to the transporting and importing of goods to and from the French and Dutch Colonies, may be explain'd and enforced; But it is submitted, whether it wou'd not tend to the encrease of trade, to permit Spanish ships, under proper regulations, to import into the British Islands, such commodities of the growth of the Spanish West Indies, as do not interfere with the products of our own Plantations. [C.O. 29, 14. pp. 62-66.]

Feb. 25.  
Whitehall.

**576.** Mr. Popple to Mr. Joshua Gee. The Coauncil of Trade and Plantations desire to speak with you and Mr. Skeffington upon his petition *etc.* [C.O. 195, 7. p. 3.]

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Feb. 25.  
Whitehall.

**577.** *Same* to Mr. West. Asks for his opinion whether the prayer of Mr. Skeffington's petition does any way interfere with the Act *for encouraging the trade to Newfoundland*. [C.O. 195, 7. p. 4].

[Feb. 25.] **578.** Jeremiah Dummer to the Council of Trade and Plantations. There being a near prospect of a peace with Spain, I lay before your Lordships two articles of very great importance to the Plantations and trade of Great Britain: one of which we hold precariously, and the other we are wholly excluded from by the Spaniards, and pray that they may be taken care of when a treaty shall be on foot. I mean, the liberty of cutting logwood at Campeache and Hundoras and fetching salt from Tertudas. I need not say how necessary the first is to our woollen manufactures, and how beneficial a medium of trade it has been to the Nation, we having always exported what was more than sufficient for our own consumption to Holland, Hamborough, Venice and Leghorn etc. But since the peace of Utrech the Spaniards have at several times fallen upon our people whom they found cutting wood in the Bays beforementioned, and seiz'd their ships, whereby we have lost that trade; and the mariners who were employ'd in it to the number of 3000, have since turn'd pirates and infested all our seas. The Spaniards have also made prizes of our ships fetching salt from Tertudas, tho' they have not any right to that Island, nor ever possess't it etc. *Refers to former correspondence.*

I have receiv'd from the General Court of the Massachusetts *enclosed* affidavits, that divers popish priests are continually stirring up the Kennebec Indians to revolt etc. I humbly pray in behalf of the Province that H.M. will use his instances with H.R.H. the Regent of France that no popish priests may be suffer'd to reside among the Indians within H.M. Territories. *Encloses* affidavits relating to Mr. Bridger and his quarrel with Elisha Cooke, received from a Committee of the House of Representatives. My Instructions being to receive no commands from the General Court, and this being without the concurrence of the Governour and Council I have hesitated to lay these papers before your Lordships etc. *Signed, Jer. Dummer. Endorsed, Reed. 25th Feb., Read 30th March, 17<sup>20</sup>.* 2<sup>1</sup>/<sub>4</sub> pp. *Enclosed,*

**578. i.** Deposition of Lewis Banc, of York, Esq. Boston, 2nd Dec., 1719. Whilst he was in command of a detachment last summer at the Eastward new Settlements, there were some threatening speeches and unfriendly actions of the Indians. Deponent understood by them that one chief cause was, that the French fryar Sebastian Rayleé (?Raillié) stirred them up so to do, telling them that if they suffered the English

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- to go on in settling those parts in two years they would be so strong that they would not be able to remove them, and that then the English would take away Meridgawalk from them. *Signed*, Lewis Bane. 1 p.
578. ii. Deposition of John Minot. Boston, 27th Nov., 1719. The French Jesuit, Rale, incited the Indians at Narantwalk, promising them French aid, and telling them King George was not the right King *etc.* *Signed*, John Mihot. *Endorsed as letter*. 1 p.
578. iii. Deposition of Joseph Roberts, of Dover, 21st May, 1718, that Mr. Bridger hindered his cutting timber in the lands belonging to the town of Berwick *etc.* (b) Mr. Bridger's deputation to Elisha Plaisted. (c) Deposition of Elisha Plaisted that in 1717 Mr. Bridger ordered him to demand 6s. of every team that went a-slogging in the township of Berwick. (d) Deposition of Archibald Macpheadris, John Smith, John Cooper, James Grant, Timothy Wentworth, Joseph Hill, Oliver Noyes, Jonathan King, James Saunders, Christopher Bartlet, Ephraim Roberts, Joseph Emerson, Elisha Plaisted, Joseph Abbott, William Lord, Walter Abbott, John Heard, Daniel Emery, Edmund Goffe, Elisha Cooke, John Leighton, as to demands and payments for leave for cutting wood *as preceding*. *The whole*, 13 pp.
578. iv. (a) Mr. Bridger's Commission and Instructions to Elisha Plaisted to be Deputy Surveyor of the woods of the little River, 26th Jan., 1709. (b) Mr. Bridger's permit to Mr. Michel to cut trees not fit for masts, on payment of £30. Two masts to be cut and watched down the River, *etc.* 7th March, 1718. (c) Mr. Bridger to Mr. Willard, secretary. Boston, 15th April, 1718. Reply to H.E.'s letter of 27th March, and Mr. Cook's letter to Mr. Speaker. I am not guilty of any exactions or anything contrary to the privileges of the inhabitants. Those townships are so large, that they never go out of them to cut logs, nor did I ever receive any sum at all from any person of that Province. Nor can any person produce my order for receiving 40s. a team or any other sum *etc.* *Signed*, J. Bridger. *The whole*, 4 pp.
578. v. Deposition of Richard Kimball and John Sanders. Boston, June 25, 1718. (a) *Confirm* iv. (b) *supra*. (b) Deposition of John Wadleigh. Boston, 25th June, 1718. About five years ago he paid £5 to Mr. Bridger for leave to cut white pine timber up Merri-mack River. Bridger empowered him to mark such trees as were for the King's use where he went, *etc.* (c) Deposition of John Sanders. 25th June, 1718. Last

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winter John Foot, Mr. Bridger's Deputy Surveyor, told him that Mr. Bridger had ordered him to demand 40s. a team from those who were going into the woods to cut pine for logs *etc.* (d) Mr. Bridger to Mr. Mitchell. Boston, June 2, 1718. I was in hopes to have heard from you concerning the five masts, which I expect by the first opportunity after you receive this and the forty shillings *etc.* *Signed, J. Bridger.* (e) Memorial of 7 Representatives to the Governor, Council and Assembly. Boston, 23rd June. The inhabitants of the towns we represent have been imposed upon by Mr. Bridger, and made to believe that they may not go into the woods belonging to the several townships without purchasing leave from him or his deputies. Demand an enquiry of this matter complained of last sessions, *Signed, John Lighton, Lewis Bane, and five others.* (f) Report of the Committee of the Representatives of the Massachusetts Bay, June 25, 1718. The allegations against Elisha Cooke by John Bridger are not supported by the papers before us. Bridger hath obstructed the inhabitants of this province in their just rights and priviledges of logging by his arbitrary and unwarrantable demands of money of them for liberty to improve their rights as aforesaid. The Committee are of opinion that some effectual care be taken by the Government to secure both H.M. rights in trees fitt for masts for his Navy according to the reservation in the Royal Charter, and the aforesaid priviledges and just propriety of H.M. good subjects of this Province from future invasions. Sent up by the House of Representatives for concurrence, Dec. 4, 1718. (g) Receipt by John Foot for £10 from Andrew Mitchel on accompt of Mr. John Bridger. 12th March, 1718. (h) Andrew Mitchel to John Bridger. Amsbury, 12th March, 1718. I have paid Capt. Foot £10 and have ingaged to pay him 40s. more *etc.* (i) Deposition of Esreal Hodson, of Dover. Mr. Bridger obliged him to pay 30s. for two masts he had cut. (j) Deposition of Joseph Roberts, of Dover. Samuel Plaisted, Feb., 1718, seized some trees felled by him within the town bounds of Berwick and compelled him to come to terms for them on behalf of Mr. Bridger *etc.* 6 pp.

578. vi. Memorial of Elisha Cooke to the Speaker of the House of Representatives of the Massachusetts Bay. Boston, Feb. 6th, 1717. Complains of Mr. Bridger exacting 40s. per team *as in preceding.* This grievance

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was sent up to the Governor and Council, Feb. 14th.  
*Copy.* 4 pp.

578. vii. Memorial of Elisha Cooke to the Governor, Council and Assembly. Boston, June 14, 1718. Complaint against Mr. Bridger, *ut supra*. Denies his accusations against himself. A joint committee of enquiry was appointed June 1st and 16th, 1718. *Copy.* 4 pp.

578. viii. Memorial of John Bridger to Governor Shute. Complains of the audacious bold declarations of Elisha Cooke in the Province of Main, denying his power over H.M. woods without the townships, and telling the inhabitants they may cut where and what logs they please, *etc.* Urges his removal from the Council. *Without date* [? 1718]. *Copy.* 1½ pp.

578. ix. Memorial of the Governor Council and Assembly of the Massachusetts Bay for their vindication against the suggestions and insinuations of any who may accuse them of harshness and severity towards such as are of different persuasions from us in matters of Religion. [? May 20, 1708. v. Minutes of Council and Assembly]. *Copy.* 3½ pp.

578. x. Report of a Committee of the House of Representatives of the Massachusetts Bay. 24th June, 1719. Exonerate Elisha Cooke and find Bridger guilty of exacting through his deputies 6s. for every team that went a logging *etc.* *Signed*, Oliver Noyes, Timo. Lindall, Willm. Throope. Upon the recommendation of the Committee it was ordered, 30th June, 1719, that copies of above papers be sent to Mr. Agent Dummer to vindicate the justice and honour of the House in this affair *etc.* *Copy.* 5 pp. [C.O. 5, 867. Nos. 59, 59 i.—x.]

Feb. 26.  
Boston, New  
England.

579. Governor Philipps to the Council of Trade and Plantations. The ship by which I had the honour of writing to your Lordships (? 3rd Jan.) being detained almost two months gives me a fresh opportunity of laying the enclosed before your Lordships *etc.* (*cf.* Jan. 3rd). I waite your direction *etc.* *Signed*, R. Philipps. *Endorsed*, Reed. 19th April, Read 13th May, 1720. 1 p. *Enclosed*,

579. i. Petition of Proprietors of the tract of land called by the Indians Remobseus but by the English Mary Town, adjoining to Misconeus River and near Smelt Cove, to Governor Phillips. About 50 men have already laid out lots in the sd. tract with intent to settle themselves and their familys there, the sd. lotts being given them upon that condition. Memorialists propose speedily to settle more familys there, and to build houses for a township *etc.* In order to

1720.

their good government, *pray* H. E. to commission a Justice of the Peace to reside there *etc.* Boston, Feb. 26, 1719(20). *Signed*, Richard Peirce(?), James Pitts, Jonathan Putnam, John Putnam, George Whitehorne, Andrew Sigourney, James Bown, John Headelk, Daniel Johonnos, John Compton. 1 p.

579. ii. Copy of conveyance by Indian Sagamores to Richard Perse, Carpenter, of Remobscus, of a tract of land about 12 x 12 miles, adjoining Round Ponds Falls, along Pemiquid River. Jan. 9th, 1641. *Signed*, John Sumerset, Sagamore, Easey Gall, Sagamore, and Dick Swaeki, Sagamore. Their marks. Richard Pears papers recorded in ye records att Pemiquid. *Note*, There never was an office of record att Pemaquid. *Endorsed*, Recd. 19th April, Read 13th May, 1720. 1½ pp. [C.O. 217, 3. Nos. 2, 2 i, ii; and (without enclosures) 218, 1. pp. 454, 455: and (abstract of letter) 217, 30. p. 10.]

Feb. 28.

St. James's.

**580.** Order of King in Council. Referring following to the Council of Trade and Plantations for their report. *Signed*, Tem. Stanyan. *Endorsed*, Recd. 10th Jan., 1721, Read 5th July, 1722. 1 p. *Enclosed*,

580. i. Certificate that petitioner (*following*) is a deserving object of H.M. charity, *etc.* *Signed*, Ste. Duport and four others. ¾ p.
580. ii. Petition of Katherine, widow of Peter Assailles junr., to the King. *Prays* that as H.M. has granted to her younger sister ⅓rd part of the estate in St. Christophers enjoyed by her late father, Peter Assailles, so he will grant ⅓rd to her *etc.* Enumerates her father's sufferings as a French Protestant *etc.* *Endorsed*, Rd. 23rd Feb., 1719, *Refd.* 28th do. 3 pp. [C.O. 152, 14. ff. 136, 137, 138-139v., 141v.]





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